

Cabinet (Resources) Panel

7 February 2017

Time 5.00 pm **Public Meeting?** YES **Type of meeting** Executive

Venue Committee Room 3 - Civic Centre, St Peter's Square, Wolverhampton WV1 1SH

Membership

Chair Cllr Andrew Johnson (Lab)

Vice-chair Cllr Roger Lawrence (Lab)

Labour

Cllr Peter Bilson

Cllr Claire Darke

Cllr Steve Evans

Cllr Val Gibson

Cllr Milkinderpal Jaspal

Cllr John Reynolds

Cllr Sandra Samuels

Cllr Paul Sweet

Quorum for this meeting is five Councillors.

Information for the Public

If you have any queries about this meeting, please contact the democratic support team:

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Some items are discussed in private because of their confidential or commercial nature. These reports are not available to the public.

Agenda

Part 1 – items open to the press and public

Item No. Title

MEETING BUSINESS ITEMS

- 1 **Apologies for absence**
- 2 **Declarations of interest**
- 3 **Minutes of the previous meeting - 10 January 2017** (Pages 5 - 10)
[To approve the minutes of the previous meeting as a correct record]
- 4 **Matters arising**
[To consider any matters arising from the minutes]

DECISION ITEM (RED - FOR DECISION BY THE COUNCIL)

- 5 **Senior Pay Policy Statement 2016-2017 and 2017-2018** (Pages 11 - 32)
[To recommend to Full Council the revised Senior Pay Policy Statement]

DECISION ITEMS (AMBER - DELEGATED TO THE PANEL)

- 6 **Budget 2017/18 - Outcome of Consultation** (Pages 33 - 68)
[To consider the responses to the 2017/18 Budget Consultation and to take the responses into account for the 2017/18 Final Budget to be presented to Cabinet on 22 February 2017]
- 7 **Discretionary Rate Relief - Extension to the Local Scheme for Charitable and Voluntary Organisations** (Pages 69 - 74)
[To approve an extension to the scheme for discretionary rate relief for charitable and voluntary organisations for 2017/18]
- 8 **TUC "Dying to Work" Campaign** (Pages 75 - 88)
[To support the TUC Dying to Work campaign and to sign up to the Dying to Work Charter]
- 9 **Transsexual, Transgender and Gender Reassignment Policy** (Pages 89 - 126)
[To approve the introduction of the policy and managers guidance]
- 10 **Smoke Free Policy** (Pages 127 - 138)
[To approve the Smoke Free Policy]
- 11 **Department of Health, Housing and Technology Capital Fund 2016/17** (Pages 139 - 142)
[To authorise the utilisation of the funds provided by the Department of Health within the remainder of 2016/17 and throughout 2017/18]

12 **Schedule of Individual Executive Decision Notices** (Pages 143 - 146)
[To note the summary of decisions approved by the appropriate Cabinet members in consultation with the relevant employees]

13 **Exclusion of press and public**
[To pass the following resolution:

That in accordance with Section 100A(4) of the Local Government Act 1972 the press and public be excluded from the meeting for the following items of business as they involve the likely disclosure of exempt information on the grounds shown below.]

Part 2 - exempt items, closed to press and public

14 **Decent Homes Contract Full and Final Settlement** (Pages 147 - 150)
[To approve the making of full and final payment to each of the Decent Homes contractors to close off all accounts]

Information relating to the financial or business affairs of any particular person (including the authority holding that information) Para (3)

15 **Disposal of Land Adjoining the Former Danesmore School, Ashmore Park, Wolverhampton** (Pages 151 - 158)
[To seek approval to declare the additional garage sites, and the former Community Centre at Coppice Close surplus to requirements]

Information relating to the financial or business affairs of any particular person (including the authority holding that information) Para (3)

16 **Disposal of Land at Planetary Road, Wolverhampton** (Pages 159 - 170)
[To seek approval to declare the land surplus to requirements and the terms of disposal]

Information relating to the financial or business affairs of any particular person (including the authority holding that information) Para (3)

17 **Appropriation of Sites from the General Fund to the Housing Revenue Account (HRA)** (Pages 171 - 180)
[To approve the appropriation of General Fund sites into the Housing Revenue Account (HRA) for the development of Council Housing]

Information relating to the financial or business affairs of any particular person (including the authority holding that information) Para (3)

18 **Proposed Housing Development at Burton Crescent** (Pages 181 - 190)
[To approve proposals for the development of up to four Council-owned sites at Burton Crescent for the provision of affordable Council housing to help meet housing need in the City]

Information relating to the financial or business affairs of any particular person (including the authority holding that information) Para (3)

- 19 **Improving the City Council Offer: Small Site Newbuild Council Housing Phase 3** (Pages 191 - 202)
[To receive an update on the delivery of Phase 2 of the small sites new build programme and to consider the planned development of a third phase of small site development]
- 20 **Update on the Procurement of Development of the Former Tap Works, Fifth Avenue and Broome Road Sites** (Pages 203 - 210)
[To provide an update following the completion of the procurement process; and to secure the authority to dispose of the land associated with the former Tap Works, Fifth Avenue and Broome Road sites]
- 21 **City Learning Quarter - Potential Property Solutions** (Pages 211 - 218)
[To grant approvals to progress potential property solutions for the City Learning Quarter]
- 22 **Bilston Urban Village** (Pages 219 - 238)
[To receive an update on progress in the delivery of development on Bilston Urban Village and to approve the funding of the site's public open space and its long term management by The Land Trust]
- 23 **Procurement - Award of Contracts for Works, Goods and Services** (Pages 239 - 246)
[To consider various delegations of authority and the award of contracts]
- Information relating to the financial or business affairs of any particular person (including the authority holding that information) Para (3)
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Attendance

Members of the Cabinet (Resources) Panel

Cllr Andrew Johnson (Chair)
Cllr Roger Lawrence (Vice-Chair)
Cllr Peter Bilson
Cllr Claire Darke
Cllr Val Gibson
Cllr Milkinderpal Jaspal
Cllr John Reynolds
Cllr Sandra Samuels
Cllr Paul Sweet

Employees

Dereck Francis	Democratic Support Officer
Keith Ireland	Managing Director
Ros Jervis	Service Director - Public Health and Wellbeing
Kevin O'Keefe	Director of Governance
Claire Nye	Chief Accountant
Katie Spence	Consultant in Public Health

Part 1 – items open to the press and public

Item No. *Title*

- 1 Apologies for absence**
Apologies for absence were submitted on behalf of Cllr Steve Evans.
- 2 Declarations of interests**
No declarations of interests were made.
- 3 Minutes of the previous meeting - 6 December 2016**
Resolved:
That the minutes of the meeting held on 6 December 2016 be approved as a correct record and signed by the Chair.
- 4 Matters arising**
There were no matters arising from the minutes of the previous meeting.
- 5 External Funding Update**
Cllr John Reynolds presented the report on an update on current and future bids for European Structural funds and sought necessary approvals for other externally funded projects.

Resolved:

EU Funds

1. That the Head of Governance be authorised to sign the Grant Funding Agreement relating to the Black Country Blue Network project and enter into Service Level Agreements with Delivery Partners (Walsall MBC, Environment Agency, Canal and River Trust and Birmingham and Black Country Wildlife Trust) relating to the delivery of this project.
2. That authority be delegated to the Cabinet Member for Resources, in consultation with the Director of Finance, to approve budgets for Black Country Blue Network project upon signing of the Funding Agreement.
3. That authority be delegated to the Cabinet Member for City Economy, in consultation with the Service Director City Economy and Director of Finance to submit outline applications to future calls for European Regional Development Fund projects.
4. That authority be delegated to the Cabinet Member for City Economy, in consultation with the Service Director City Economy, to enter agreements to progress the delivery of the RAINBOW project if the bid is successful.

Other Funding

5. That authority be delegated to the Cabinet Member for City Economy, in consultation with the Service Director City Economy to submit a full business plan to the Edge Foundation should the initial bid be successful.
6. That the submission of bids for the Communities Fund, Libraries Opportunities for Everyone Innovation Fund and mitigating the impacts of immigration on local communities be approved and authority be delegated to the Cabinet Member for City Economy, in consultation with the Service Director City Economy, to enter agreements to progress the delivery of this scheme.
7. That authority be delegated to the Cabinet Member for Resources, in consultation with the Director of Finance to approve budgets for Communities Fund, Libraries Opportunities for Everyone Innovation Fund, mitigating the impacts of immigration on local communities and RAINBOW project should the bids be successful.
8. That authority be delegated to the Cabinet Member for City Economy, in consultation with the Service Director City Economy to issue a grant up to £50,000 to our named Voluntary Community Sector partner should our bid to the Communities Fund be successful.

6 **War Memorial Restoration, Oxford Street, Bilston**

Cllr John Reynolds requested approval for the Council to act as the accountable body to facilitate the restoration of the Oxford Street war memorial in the town centre. The restoration would be funded through external grant and contribution from Bilston Remembered.

Resolved:

1. That the Council acting as the accountable body to facilitate the restoration of the Oxford Street war memorial in Bilston be approved.
2. That the establishment of a capital budget of £46,000 for the restoration works funded by external grants and contributions be approved.

7 **Acquisition of Privately Owned Empty Properties by Agreement or Compulsory Purchase: 34 Hordern Road, Whitmore Reans, Wolverhampton**

Cllr Peter Bilson sought approval to acquire by agreement or compulsory purchase order the property 34 Hordern Road, Wolverhampton.

The proposal was part of the Council's Empty Property Strategy which aimed to bring long term empty properties back into use. The property had been empty for six years and was having a detrimental impact on the neighbourhood and adjoining properties.

Resolved:

1. That the Strategic Director, City Housing be authorised to negotiate terms for the acquisition of the property, and, in default of that acquisition, give authority for a compulsory purchase order (CPO) to be made under Part II Section 17 Housing Act 1985 in respect of the property.
2. That expenditure for the potential acquisition of the property, with subsequent capital receipts being recycled within this programme be approved.
3. That in the event that the property is improved and re-occupied to the satisfaction of the Service Director for City Assets, the withdrawal of the property from the CPO be authorised.
4. That following any acquisition, the Strategic Director, City Housing be authorised to dispose of the property on the open market on condition that the property is refurbished and re-occupied within 6 or 12 months (as appropriate to the scale of the works).
5. That the Director of Governance be authorised to:
 - a. Take all reasonable steps as soon as it is reasonably practical to secure the making, confirmation and implementation of the CPO including the publication and service of all Notices and the presentation of the Council's case at any Public Inquiry.
 - b. Approve agreements with the owners of the property setting out the terms for the withdrawal of objections to the CPO, and/or making arrangements for re-housing or relocation of any occupiers.
 - c. Approve the making of a General Vesting Declaration (the property is brought into Council ownership via this process).
 - d. Approve the disposal of the whole and/ or parts of the property by auction, tender or private treaty.

8 **Schedule of Individual Executive Decision Notices**

Resolved:

That the summary of open and exempt individual executive decisions, approved by appropriate Cabinet Members following consultation with the relevant employees be noted.

9 **Exclusion of press and public**

Resolved:

That in accordance with Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting for the following items of business as they involve the likely disclosure of exempt information falling within the paragraph 3 of Schedule 12A of the Act.

Part 2 - exempt items, closed to press and public

10 **Disposals of Land and Property**

Cllr Peter Bilson sought approval to declare surplus to the Council's requirements the property 29 and 31 Coronation Road, Bilston and to the terms of disposal.

Resolved:

1. That an application be made to the Secretary of State under Section 32 of the Housing Act 1985 for consent to the disposal of the Council's freehold interest in 29 and 31 Coronation Road, Bilston if required.
2. That the shops with living accommodation of 29 and 31 Coronation Road, Bilston be declared surplus to the Council's requirements and the terms of the disposal be approved.

11 **Proposed Sale of the former Heath Town Baths**

Cllr John Reynolds presented the report seeking authority to select a preferred developer for the refurbishment and reuse of the former Heath Town Baths (including adjoining land) following the recent marketing exercise.

Resolved:

1. That the selection of the preferred developer identified in the body of the report be approved.
2. That the disposal be on the basis of the grant of a long lease or the sale of the freehold with adequate provision for forfeit in the event of the developer failing to meet agreed milestones in terms of completion of refurbishment works
3. That an exclusivity agreement with the preferred developer for an initial period of six months to enable further due diligence to be undertaken be approved.
4. That authority be delegate to the Cabinet Member for City Economy, in consultation with the Service Director – City Economy to approve:
 - a. any extension to the exclusivity period.
 - b. the agreement of remaining heads of terms for the disposal of the property.

12

Corporate Procurement - Award of Contracts for Works, Goods and Services

The Panel considered a report on proposals for the award of contracts for works, goods and services.

Resolved:

1. That authority be delegated to the Cabinet Member for Adults, in consultation with the Strategic Director for People, to approve the award of a contract for Pear Tree Lane Residential Care Home when the evaluation process is complete.
2. That authority be delegated the Cabinet Member for Public Health and Wellbeing in consultation with the Strategic Director of Place to award contracts for delivery of the Primary Care Sexual Health Services to appropriately qualified GPs from 1 February 2017 to 31 May 2019, once the evaluation process is completed. The overall contract value is approximately £667,000, individual provider would be paid in accordance with the level of delivery in accordance with the tariff.
3. That the award of a new contract for the delivery of Tuberculosis Service to Royal Wolverhampton Hospitals NHS Trust, New Cross Hospital, Wolverhampton WV10 0QP for the period 1 April 2017 to 31 March 2019, with a nine month notice period be approved. The overall contract value is approximately £436,000.
4. That authority be delegated to the Cabinet Member for Resources, in consultation with the Director for Finance, to approve the award of a contract for Mobile Voice and Data once a detailed evaluation process has been completed.
5. That authority be delegated to the Cabinet Member for Children and Young People, in consultation with the Strategic Director for People, to approve the award of a contract for the assessment of potential foster carers when the evaluation process is complete.
6. That the Director of Governance be authorised to execute contracts in respect of the above as required.

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Cabinet (Resources) Panel

7 February 2017

Report title	Senior Pay Policy Statement 2016-2017 and 2017-2018	
Decision designation	RED	
Cabinet member with lead responsibility	Cllr Milkinder Jaspal Governance	
Key decision	No	
In forward plan	No	
Wards affected	N/A	
Accountable director	Kevin O'Keefe, Director of Governance	
Originating service	Human Resources	
Accountable employee(s)	Denise Pearce	Head of Human Resources
	Tel	01902 554515
	Email	denise.pearce@wolverhampton.gov.uk

Recommendation(s) for action or decision:

The Cabinet (Resources) Panel is recommended to agree for the report to be forwarded to Full Council for them to:-

1. Approve the Senior Pay Policy for 2016 - 2017 for immediate publication.
2. Approve the Senior Pay Policy for 2017 - 2018 for publication by 31 March 2017 in line with the Localism Act 2011.

1. Purpose

- 1.1 To seek Cabinet Resources approval to refer to Full Councils for agreement to the revised Senior Pay Policy
- 1.2 This report has been compiled to comply with the requirements of section 38 (1) of the Localism Act 2011.

2. Background

- 2.1 Under section 112 of the Local Government Act 1972, the Council has the “power to appoint officers on such reasonable terms and conditions as the authority thinks fit”.
- 2.2 Section 38 of The Localism Act 2011 requires that each council prepares an annual senior pay policy statement setting out the following:
 - a) The remuneration of its chief officers. In this context a ‘chief officer’ is defined as:
 - The head of its paid service designated under section 4(1) of the Local Government and Housing Act 1989;
 - Its Monitoring Officer designated under section 5(1) of the act;
 - A statutory chief officer mentioned in section 2(6) of that Act;
 - A non-statutory chief officer mentioned in section 2(6) of that Act;
 - A deputy chief officer mentioned in section 2(8) of that Act.
 - b) The remuneration of its lowest-paid employees, and
 - c) The relationship between:
 - The remuneration of its chief officers, and
 - The remuneration of its employees who are not chief officers.
- 2.3 It should be noted that provisions of the Act do not apply to the staff based in local authority schools.
- 2.4 Additionally the Act requires that the senior pay policy statement must set out the council’s policies relating to:
 - a) The level and elements of remuneration for each chief officer covered by the Act
 - b) The remuneration of chief officers on recruitment
 - c) Increases and additions to remuneration for each chief officer

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[NOT PROTECTIVELY MARKED]

- d) The use of performance related pay for chief officers
 - e) The use of bonuses for chief officers
 - f) The publication of, and access to, information relating to remuneration of chief officers.
- 2.5 The Localism Act requires that a local authority publish the senior pay policy statement “in such manner as they see fit which must include publication on the authority’s website”. In addition, section 38 (4) requires authorities to set out in their pay policy statements their approach to the publication of and access to information relating to the remuneration of chief officers.
- 2.6 The requirements to publish a senior pay policy statement and details of senior pay have been underpinned by the mandatory requirements in the Local Government Transparency Code 2014. City of Wolverhampton Council will publish the relevant data sets under the transparency code on the Wolverhampton data share site at the beginning of February 2017.
- 2.7 The senior pay policy statement for 2016 - 2017 (appendix 1), reflects the senior management restructure which was implemented with effect from 1 January 2015 and amended in a further review reported to the Senior Management Advisory Group on 20 April 2016. It sets out the principles of remuneration which have been followed in 2016 - 2017. The senior pay scale (appendix 2) sets out the senior pay spine following the senior management restructure; all senior pay grades have been subject to Hay evaluation. The senior pay data (appendix 3) covers senior posts in line within the definitions in the guidance and codes during the 2016 - 2017 financial year. This will be published with immediate effect.
- 2.8 The senior pay policy statement for 2017 - 2018 (appendix 4), reflects the senior management structure as it was amended in April 2016. It sets out the principles of remuneration which will be followed in 2017 - 2018. The senior pay scale (appendix 5) sets out the grades that will be applied to Senior Managers. To date there is no recommendation as to what the pay award will be with effect from 1st April 2017. To make the span of grades more consistent, Grade 16 has been extended by 2 increments from a 3 point grade to a 5 point grade. This has no impact in this Financial year for the current incumbent and has no impact on the Councils desire for a 1:10 ratio of lowest to highest paid employee. The senior pay data (appendix 6) covers senior posts in line within the definitions in the guidance and codes during the 2017/2018. Decisions on individual increments will not at this point have been taken as these are subject to performance management criteria. When these are decided upon, the published report will be amended with the updated detail.
- 2.9 Data on all senior salaries in 2016 - 2017 will be published on the Wolverhampton data share site at <http://data.wolverhampton.gov.uk/View/employees/senior-salaries-wcc> and on the City Councils web site, immediately following Full Councils’ approval.
- 3.0 Data on all senior salaries in 2017 - 2018 will be published on the Wolverhampton data share site at <http://data.wolverhampton.gov.uk/View/employees/senior-salaries-wcc> and on the City Councils web site, prior to 31st March 2017 with Full Councils’ approval.

3. Financial Implications

- 3.1 The senior pay structures detailed in this report for 2016-2017 are consistent with the assumptions in the Council's Medium Term Financial Strategy.
- 3.2 The pay policy for 2017-2018 incorporates an additional 2 scale points at Grade 16 however this change will have no financial impact until 2018-2019.
- 3.3 The payment of a market forces supplement in relation to the Strategic Director – People is estimated to cost approximately £6,000 in both 2016-2017 and 2017-2018, however it is anticipated that this additional cost can be met from the overall budget for the People Directorate.
- 3.2 As outlined in section 7 of the pay policies the costs of payments in recognition of election responsibilities are met from Central Government.
- 3.4 The financial implications of the pay policies will be fully reflected in the Council's Medium Term Financial Strategy to be presented to Cabinet on the 22 February 2017 and Council on 1 March 2017.
- 3.5 The two West Midlands Pension Fund posts are reflected within the West Midlands Pension Fund Budget.
[CN/24012017/V]

4. Legal Implications

- 4.1 The preparation and approval of a senior pay policy statement is a requirement of section 38 of the Localism Act 2011. The Act prescribes information to be included in the statement, its manner of publication and the requirement for the council to act in accordance with its approved Policy Statement.
TC/23012017/F

5. Environmental Implications

- 5.1 There are no environmental implications arising from this report.

6. Equalities Implications

- 6.1 This report sets out the policies used to manage senior pay across the Council and the current relationship between the highest and the lowest salary levels. The report highlights that the Council has a pay ratio which is within the Hutton report recommended range.

7.0 Environmental implications

- 7.1 This report has no environmental implications.

8.0 Human resources implications

- 8.1 There are no direct human resources implications arising from this report. Appointments into the senior pay structure are made in line with the Council's constitution and relevant policies and procedures.

9.0 Corporate Landlord implications

- 9.1 This report has no Corporate Landlord implication

Senior Pay Policy Statement 2016 - 2017

General Principles

This Policy Statement has been compiled to comply with the requirements of section 38 (1) of the Localism Act 2011.

1. Salaries on appointment and increments

- 1.1 Senior management appointments at Head of Paid Service and Strategic Director level are subject to full Council approval. The Strategic Director – People has been offered a fixed term contract until 30 June 2017 at the latest. This has negated the need for the current incumbent to continue as an ‘interim’.
- 1.2. Senior Management roles who met the eligible criteria, received the appropriate increment.

2. Annual Pay Award

- 2.1. All annual pay awards are set in line with nationally negotiated rates The nationally agreed pay award for 2016 - 2017 was 1% for both Chief Executives and Chief Officers. The Managing Director on Grade 16 receives the equivalent pay award for a Chief Executive and other Senior Managers on grade 12 to Grade 15 receive the equivalent pay awards Council Officers. All Senior Managers in 2016 - 2017 received 1%.

3. Market forces supplements

- 3.1. City of Wolverhampton Council has a policy to offer market forces supplements in instances where the substantive grade of the post is insufficient to attract or retain post holders in skill shortage areas. Market forces supplements are awarded for a defined period and subject to regular review. The Strategic Director - People has been offered a fixed term contract of employment until 30 June 2017 at the latest, with a Market Forces supplement.

4. ‘Earn Back,’ bonus and performance related pay

- 4.1. Local authorities have been asked to consider Lord Hutton’s recommendation (Final Report of the Independent Review into Fair Pay in the Public Sector, March 2011) that senior staff could have an element of their basic pay ‘at risk’ to be earned back each year through meeting pre-agreed objectives. City of Wolverhampton Council has not implemented this in 2016 - 2017. It should be noted that had the City of Wolverhampton Council implemented Performance Related Pay, this would be in addition to any substantive salary.

None of the posts featured in this report are eligible for bonus or performance related pay. However, there is no automatic incremental progression within senior management grades. Movement within grade is dependent on performance and for those Senior

Managers grade 12 and above, but below Strategic Director, they are considered by the Managing Director and agreed at Strategic Executive Board. Strategic Directors progression, is agreed by the Managing Director in consultation with the Leader of the Council and any incremental progression for the Managing Director is agreed by the Leader of the Council. Senior Managers who met the criteria had incremental progression in 2016 - 2017.

5. Cessation of Employment

- 5.1. If made redundant, post holders covered by this policy will be compensated in the same way as other Council employees and within the confines of the Council's approved redundancy scheme. The extent of any payment will depend on the individual's age, length of service and whether the redundancy is voluntary or compulsory.

The Council retains provision to make additional payments, or payments for some reason other than redundancy, but any payments require the prior approval of Cabinet and are reported in the annual accounts of the Council. Exit Capping and 'claw back' will have an impact on redundancy/early retirement processes and re-engagement. Final decisions still need to be made by Government on how these policies will be 'rolled out'. The impact this will have on City of Wolverhampton Council will be subject to a separate report.

6. Re-engagement of senior employees in receipt of a local government pension

- 6.1. City of Wolverhampton Council recognises that the re-employment of retired local government officers is likely to be perceived negatively and bring into question the use of retirement packages in the public sector. The Council's Voluntary Redundancy Scheme makes clear that employees, regardless of salary level, should not seek re-employment into council roles for 12 months after accepting early retirement/voluntary redundancy. Appointment of ex-employees as either agency staff or consultants is also prohibited if the arrangement could have been foreseen at the time of retirement. The Council is, however, not averse to appointing senior staff who have retired from other public sector employers. This is because City of Wolverhampton Council has no control over the decision-making of other employers and could potentially benefit from the skills and experience of the individual concerned.

7. Payments made in recognition of election responsibilities

- 7.1. In accordance with the regulations, at times of election the council appoints an Acting Returning Officer, by convention, the head of paid service, whose fee for overseeing the election process is paid by central government. The fee is set nationally and was applied to the Local Elections in May 2016. The figure was £9,450 gross, but the Acting Returning Officer distributes some of this fee to his Deputy Returning Officers. For the EU referendum the figure was £8,028 and was again partly distributed to Deputy Returning Officers.

8. Pension Contributions and other elements of remuneration

- 8.1. Employer pension contributions have been included in the pay data included in this policy; this is in line with the definitions of remuneration in the Local Government Transparency Code 2014. The employer contribution rate for LGPS 2016 -2017 is 23.20% and for NHS is 14.30%

9. Interim Directors

- 9.1. Strategic Director – People, commenced on 16th January 2015 and was engaged on this basis until she commenced her fixed term contract. The appointment was made, so an experienced Senior Manager could take the service through its transformation and the Children’s service Ofsted inspection.
- 9.2. Interim Director of Education was appointed on 10 August 2015. This role was appointed to, following the departure of the permanent Director of Education, who had to leave due to ill health. The post needed to be filled quickly as it was essential to ensure the School Improvement Agenda did not fall behind.
- 9.3. Interim Service Director, Commercial Services commenced on 23 May 2016. This role is required to provide the Council with more commercial acumen to ensure best value is achieved across all of its Services. This role also acts as the Lead Officer for both Procurement and Commissioning in the Council.

10. Pay comparison between the highest and the lowest paid

- 10.1 When publishing his interim report on fair pay in the public sector, Lord Hutton said:

“There is a strong case for public sector organisations having to comply with, or explain why they do not comply with, a maximum pay multiple, such as 20:1. This would demonstrate fairness by reassuring public opinion, address a problem of collective action across remuneration committees, and benefit organisations’ productivity“

“The public sector walks a fine line. It must create value for citizens by attracting and retaining talented individuals – otherwise it will become a second class sector of the economy. But equally it has to be vigilant about ensuring value for money”

- 10.2. In setting the requirement that the policy statement includes a comparison between the highest and the lowest paid, the Act gives no definition of ‘lowest paid’ and specifies that authorities should set their own and explain why it has been chosen.

- 10.3. For the purposes of this policy statement, and the identification of the lowest paid role, full-time jobs performed all year round have been taken into account with the exclusion of posts that include an on-going training requirement, such as an apprenticeship.
- 10.4. The lowest paid role that meets this criteria is that of a Cleaner, who is paid Grade 2, Local Pay Point 2 (annual full time equivalent salary £15,507), on the Wolverhampton local pay scale which was implemented as part of the Single Status collective agreement on 1 April 2013.
- 10.5. There are 20 employees paid at Grade 1, but they do not fit the criteria of having employees in post full time and all year round.

The comparison between pay is set out below:

Job Title	Gross Annual Payment	Multiplier
Managing Director	£143,925 (inclusive of increment on 1 April 2016)	9.28 : 1
Cleaner	£15,507	

The Council's multiplier of 9.28 falls well below Lord Hutton's public sector threshold, is lower than similar-sized Councils and is substantially below private sector equivalents.

11. Publication

- 11.1. The Senior Pay Policy Statement 2016 - 2017 will be published on the City of Wolverhampton Council's website, alongside the data published under the Local Government Transparency code, at <http://www.wolverhampton.gov.uk/article/1889/Corporate>

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Appendix 2

SENIOR MANAGEMENT PAY SCALES 01.04.2016

DESCRIPTION	HAY GRADE	LPP	SALARY
LEAD PROFESSIONAL	GR12	62	£65,675
	GR12	63	£68,057
	GR12	64	£70,438
	GR12	65	£72,821
	GR12	66	£75,205

DESCRIPTION	HAY GRADE	LPP	SALARY
SERVICE DIRECTOR	GR13	67	£80,871
	GR13	68	£84,366
	GR13	69	£87,863
	GR13A	69A	£89,330
	GR13	70	£92,230
	GR13	71	£97,354

DESCRIPTION	HAY GRADE	LPP	SALARY
DIRECTOR	GR14	72	£101,000
	GR14	73	£104,384
	GR14	74	£107,767
	GR14	75	£111,100

DESCRIPTION	HAY GRADE	LPP	SALARY
STRATEGIC DIRECTOR	GR15	76	£124,995
	GR15	77	£128,126
	GR15	78	£131,300
	GR15	79	£133,136
	GR15	80	£134,835

DESCRIPTION	HAY GRADE	LPP	SALARY
MANAGING DIRECTOR	GR16	81	£141,400
	GR16	82	£143,925
	GR16	83	£146,450

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Remuneration of Senior Managers 1 April 2016 - 31 March 2017

Position	Directorate	Employment Status	Annual FTE Salary	Pay Ceiling	Employers Pension Contribution	Left Role
Managing Director	Corporate	Employee	143,925.00	146,450.00	25,042.95	
Strategic Director - Place	Place	Employee	133,136.00	134,835.00	23,165.72	
Strategic Director - Pensions	West Midland Pension Fund	Employee	133,136.00	134,835.00	23,165.72	
Director of Governance	Corporate	Employee	107,767.00	111,100.00	10,417.45	
Director of Finance	Corporate	Employee	104,384.00	111,100.00	18,162.81	
Service Director	People	Employee	98,453.00	98,453.00	10,559.07	
Assistant Director	West Midland Pension Fund	Employee	97,354.00	97,354.00	6,587.63	
Service Director	Place	Employee	92,230.00	97,354.00	16,048.07	
Service Director - Adults	People	Employee	92,230.00	97,354.00	4,429.02	
Service Director	People	Employee	89,330.00	97,354.00	15,543.45	
Black Country Transport Director	Place	Employee	87,863.00	97,354.00	15,326.22	
Assistant Director - Actuarial & Pensions	West Midland Pension Fund	Employee	84,366.00	97,354.00	19,798.08	
Service Director - City Environment	Place	Employee	84,366.00	97,354.00	14,679.72	
Chief Accountant	Corporate	Employee	68,057.00	75,205.00	11,841.93	
Head of Corporate Communications	Corporate	Employee	65,675.00	75,205.00	10,715.47	
Head of Children in Need/Child Protection/MASH	People	Employee	75,205.00	75,205.00	13,085.64	
Assistant Director (Schools Standards)	Corporate	Employee	75,615.00	75,615.00	12,944.81	
Interim Director of Education	Corporate	Interim	101,000.00	111,100.00		
Interim Service Director - Commercial Services	Corporate	Interim	80,871.00	97,354.00		
Interim Strategic Director - People	People	Interim	124,995.00	134,835.00		

Position	Directorate	Employment Status	Annual FTE Salary	Pay Ceiling	Employers Pension Contribution	Left Role
Service Director City Assets	Place	Left	97,354.00	97,354.00	3,764.36	31/05/2016
Service Director Older People	People	Left	92,230.00	97,354.00	10,698.66	30/09/2016
Service Director Disability & Mental Health	People	Left	89,330.00	97,354.00	10,362.30	30/09/2016
Assistant Director	West Midland Pension Fund	Left	87,863.00	97,354.00	13,589.52	30/11/2016

Employer pension contributions are for the period April 2016 to December 2016

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Appendix 4

Senior Pay Policy Statement 2017 -2018

General Principles

This Policy Statement has been compiled to comply with the requirements of section 38 (1) of the Localism Act 2011.

1. Salaries on appointment and increments

- 1.2. Senior management appointments at Head of Paid Service and Strategic Director level are subject to full Council approval. It is expected that Senior Managers who meet the eligible criteria will receive their increments with effect from 1st April 2017

2. Annual Pay Award

- 2.1. All annual pay awards are set in line with nationally negotiated rates. No national agreement has yet been made about a pay award for JNC for Chief Executive's pay or for Chief Officer's pay. When this is agreed, this will automatically be implemented and will cover the period 1st April 2017 to 31st March 2018. The Managing Director on Grade 16 receives the equivalent pay award for a Chief Executive and other Senior Managers on grade 12 to Grade 15 receive the equivalent pay awards for Chief Officers.

3. Market forces supplements

- 3.1. City of Wolverhampton Council has a policy to offer market forces supplements in instances where the substantive grade of the post is insufficient to attract or retain post holders in skill shortage areas, based on evidence of recruitment and retention difficulties. Market forces supplements are awarded for a defined period and subject to regular review. The Strategic Director – People was offered a fixed term contract until 30 June 2017, with a Market Forces supplement. This was a less expensive option, than retaining the employee on an interim basis and is allowing the Managing Director an opportunity to consider how he would want to fill this role in the future. The employee was retained whilst transformation of the service continues and the Childrens Ofsted Inspection is being undertaken.

4. 'Earn Back,' bonus and performance related pay

- 4.1. Local authorities have been asked to consider Lord Hutton's recommendation (Final Report of the Independent Review into Fair Pay in the Public Sector, March 2011) that senior staff could have an element of their basic pay 'at risk' to be earned back each year through meeting pre-agreed objectives. Wolverhampton City Council has not implemented this and has no plans to introduce this approach during 2017/18. It should be noted that had the City of Wolverhampton Council implemented Performance Related Pay, this would be in addition to any substantive salary.

- 4.2. None of the posts featured in this report are eligible for bonus or performance related pay. However, there is no automatic incremental progression within senior management grades. Movement within grade is dependent on performance and for those Senior Managers grade 12 and above, but below Strategic Director they are considered by the Managing Director and agreed at Strategic Executive Board. Strategic Directors progression, is agreed by the Managing Director in consultation with the Leader of the Council and any incremental progression for the Managing Director is agreed by the Leader of the Council. Senior Managers who meet the criteria are expected to have incremental progression in 2017/2018.

5. Cessation of Employment

- 5.1. If made redundant, post holders covered by this policy will be compensated in the same way as other Council employees and within the confines of the Council's approved redundancy scheme. The extent of any payment will depend on the individual's age, length of service and whether the redundancy is voluntary or compulsory. The Council retains provision to make additional payments, or payments for some reason other than redundancy, but any payments require the prior approval of Cabinet and are reported in the annual accounts of the Council. Exit Capping and 'claw back' will have an impact on redundancy/early retirement processes and re-engagement. The impact this will have on City of Wolverhampton Council will be subject to a separate report.

6 Re-engagement of senior employees in receipt of a local government pension

- 6.1. City of Wolverhampton Council recognises that the re-employment of retired local government officers is likely to be perceived negatively and bring into question the use of retirement packages in the public sector. The Council's Voluntary Redundancy Scheme makes clear that employees, regardless of salary level, should not seek re-employment into council roles for 12 months after accepting early retirement/ voluntary redundancy. Appointment of ex-employees as either agency staff or consultants is also prohibited if the arrangement could have been foreseen at the time of retirement. The Council is, however, not averse to appointing senior staff who have retired from other public sector employers. This is because City of Wolverhampton Council has no control over the decision-making of other employers and could potentially benefit from the skills and experience of the individual concerned.

7. Payments made in recognition of election responsibilities

- 7.1. In accordance with regulations, at times of election the council appoints an acting returning officer, by convention, the head of paid service, whose fee for overseeing the election process, is paid by central government. Other Officers receive payments in recognition of election responsibilities. To date the Council does not know the figure for 2017-2018

8. Pension Contributions and other elements of remuneration

- 8.1. Employer pension contributions have been included in the pay data included in this policy; this is in line with the definitions of remuneration in the Local Government

Transparency Code 2014. The employer contribution rate for 2017 – 2018 is not yet known.

9. Interim Directors

- 9.1. Interim Service Director, Commercial Services commenced on 23 May 2016. This role is required to provide the Council with more commercial acumen to ensure best value is achieved across all of its Services. This role also acts as the Lead Officer for both Procurement and Commissioning in the Council. It is envisaged this role will continue into 2017-2018.
- 9.2. Interim Director of Education was appointed on 10 August 2015. This role was appointed to, following the departure of the permanent Director of Education, who had to leave due to ill health. The post needed to be filled quickly as it was essential to ensure the School Improvement Agenda did not fall behind. It is envisaged this role will continue into 2017-2018.

10. Pay comparison between the highest and the lowest paid

- 10.1. When publishing his interim report on fair pay in the public sector, Lord Hutton said:

“There is a strong case for public sector organisations having to comply with, or explain why they do not comply with, a maximum pay multiple, such as 20:1. This would demonstrate fairness by reassuring public opinion, address a problem of collective action across remuneration committees, and benefit organisations’ productivity“

“The public sector walks a fine line. It must create value for citizens by attracting and retaining talented individuals – otherwise it will become a second class sector of the economy. But equally it has to be vigilant about ensuring value for money”

- 10.2. In setting the requirement that the policy statement includes a comparison between the highest and the lowest paid, the Act gives no definition of ‘lowest paid’ and specifies that authorities should set their own and explain why it has been chosen.
- 10.2. The highest paid role is that of Managing Director.

For the purposes of this policy statement, and the identification of the lowest paid role, full-time jobs performed all year round have been taken into account with the exclusion of posts that include an on-going training requirement, such as an apprenticeship.

The lowest paid role that meets this criteria is that of a Cleaner, who is paid Grade 2, Local Pay Point 2 (annual full time equivalent salary £15,807), on the Wolverhampton local pay scale which was implemented as part of the Single Status collective agreement on 1 April 2013. This includes the Pay award for NJC employees for 1 April 2017.

There are 20 employees paid at Grade 1, but they do not fit the criteria of having employees in post full time and all year round.

The comparison between pay is set out below:

Job Title	Gross Annual Payment	Multiplier
Managing Director	£143,925 (current salary until increment and National Pay Award is agreed on 1 April 2017).	9.11 : 1
Cleaner	£15,807 including NJC pay award for 1 st April 2017	

The Council's multiplier of 9.11 falls well below Lord Hutton's public sector threshold, is lower than similar-sized Councils and is substantially below private sector equivalents. Once Chief Executive pay awards are known for April 2017, this will slightly change the multiplier, but only by a decimal point of a percentage.

11. Publication

- 11.1. The Senior Pay Policy Statement 2017 – 2018 will be published on the City Council's website, alongside the data published under the Local Government Transparency code, at <http://www.wolverhampton.gov.uk/article/1889/Corporate>. When data is updated or further information available this will be amended.

Appendix 5

SENIOR MANAGEMENT PAY SCALES 01.04.2016

(Pay award for 01.04.2017 not yet agreed)

DESCRIPTION	HAY GRADE	LPP	SALARY
LEAD PROFESSIONAL	GR12	62	£65,675
	GR12	63	£68,057
	GR12	64	£70,438
	GR12	65	£72,821
	GR12	66	£75,205

DESCRIPTION	HAY GRADE	LPP	SALARY
SERVICE DIRECTOR	GR13	67	£80,871
	GR13	68	£84,366
	GR13	69	£87,863
	GR13A	69A	£89,330
	GR13	70	£92,230
	GR13	71	£97,354

DESCRIPTION	HAY GRADE	LPP	SALARY
DIRECTOR	GR14	72	£101,000
	GR14	73	£104,384
	GR14	74	£107,767
	GR14	75	£111,100

DESCRIPTION	HAY GRADE	LPP	SALARY
STRATEGIC DIRECTOR	GR15	76	£124,995
	GR15	77	£128,126
	GR15	78	£131,300
	GR15	79	£133,136
	GR15	80	£134,835

DESCRIPTION	HAY GRADE	LPP	SALARY
MANAGING DIRECTOR	GR16	81	£141,400
	GR16	82	£143,925
	GR16	83	£146,450
	GR16	84	£148,950
	GR16	85	£151,450

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Appendix 6

Expected Remuneration of Senior Managers 1 April 2017 - 31 March 2018

Position	Directorate	Employment Status	Annual FTE Salary	Pay Ceiling
Managing Director	Corporate	Employee	143,925.00	146,450.00
Strategic Director	Place	Employee	133,136.00	134,835.00
Strategic Director - Pensions	West Midland Pension Fund	Employee	133,136.00	134,835.00
Director of Governance	Corporate	Employee	107,767.00	111,100.00
Director of Finance	Corporate	Employee	104,384.00	111,100.00
Service Director	People	Employee	98,453.00	98,453.00
Assistant Director	West Midland Pension Fund	Employee	97,354.00	97,354.00
Service Director	Place	Employee	92,230.00	97,354.00
Service Director - Adults	People	Employee	92,230.00	97,354.00
Service Director	People	Employee	89,330.00	97,354.00
Black Country Transport Director	Place	Employee	87,863.00	97,354.00
Assistant Director - Actuarial & Pensions	West Midland Pension Fund	Employee	84,366.00	97,354.00
Service Director - City Environment	Place	Employee	84,366.00	97,354.00
Chief Accountant	Corporate	Employee	68,057.00	75,205.00
Head of Corporate Communications	Corporate	Employee	65,675.00	75,205.00
Head of Children in Need/Child Protection/MASH	People	Employee	75,205.00	75,205.00
Assistant Director (Schools Standards)	Corporate	Employee	75,615.00	75,615.00
Interim Director of Education	Corporate	Interim	101,000.00	111,100.00
Interim Service Director - Commercial Services	Corporate	Interim	80,871.00	97,354.00
Interim Strategic Director - People	People	Interim *	124,995.00	134,835.00

pro rata dependant on length of tenure in post

Decisions on individual increments will not at this point have been taken as these are subject to performance management criteria
 To date there is no recommendation as to what the pay award will be with effect from 1 April 2017
 It is not yet known what the Employers Pension Contributions will be for 2017-2018

* Currently Interim, awaiting approval for fixed term contract to 30 June 2017

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Cabinet (Resources) Panel

7 February 2017

Report title	Budget 2017/18 – Outcome of Consultation	
Decision designation	AMBER	
Cabinet member with lead responsibility	Councillor Andrew Johnson Resources	
Key decision	Yes	
In forward plan	Yes	
Wards affected	All	
Accountable director	Mark Taylor, Director of Finance	
Originating service	Strategic Finance	
Accountable employee(s)	Claire Nye Tel Email	Chief Accountant 01902 550478 Claire.Nye@wolverhampton.gov.uk
Report to be/has been considered by	Strategic Executive Board	24 January 2017

Recommendation(s) for action or decision:

The Cabinet (Resources) Panel is recommended to consider the responses to the 2017/18 Budget Consultation as detailed in this report and take these responses into account for the 2017/18 Final Budget to be presented to Cabinet on 22 February 2017.

1.0 Purpose

- 1.1 The purpose of this report is to inform Cabinet (Resources) Panel of the consultation process undertaken to support the 2017/18 budget setting process, allowing for Councillors' consideration of the responses to the consultation.
- 1.2 The completed set of responses to the consultation will be taken into account in the final budget that Cabinet recommends to Full Council on 1 March 2017.

2.0 Background

- 2.1 The Council continues to be faced with a challenging projected financial position over the medium term, and significant Budget Reduction and Income Generation proposals are required in order to maintain a robust financial position.
- 2.2 It is important to note that the updated projected budget deficit assumes the achievement of prior year Budget Reduction and Income Generation proposals amounting to £37.4 million over the four year period to 2019/20. In March 2016, Full Council approved that work started immediately to identify opportunities to deliver the £22.2 million projected budget deficit in 2017/18 and that the Council would be faced with finding further Budget Reduction and Income Generation proposals totalling £54.6 million over the three year period to 2019/20.
- 2.3 When identifying budget reduction and income generation proposals the Council's strategic approach to address the budget deficit continues to be to align resources to the Corporate Plan to achieve:
 - a Stronger Economy,
 - a Stronger Community,
 - a Stronger Organisation.

The Council does not want to simply manage decline, investment in the future is essential for both the Council and the City.

- 2.4 The targets have now been classified into proposals upon which the outcome of formal budget consultation is required – budget reduction and income generation proposals – and proposals which can be implemented without reliance on the outcome of formal budget consultation – Financial Transactions and Base Budget Revisions.
- 2.5 There are 32 Budget Reduction and Income Generation proposals for 2017/18 that have been identified at this stage is summarised by Cabinet Portfolio in the table below:

Table 1 – Budget Reduction and Income Generation Proposals for 2017/18 by Cabinet Portfolio

Cabinet Portfolio	No.	2017/18 £000
Adult Services	6	(4,835)
Children and Young People	4	(3,014)
Public Health and Wellbeing	-	-
City Housing and Assets	4	(1,200)
City Economy	1	(200)
City Environment	8	(3,250)
Resources	4	(170)
Governance	5	(870)
Education	-	-
Total	32	(13,539)

- 2.6 A report was presented to Cabinet in October 2016, which detailed the outcome of work that has been in progress across all areas of the Council to identify budget reduction and income generation targets to deliver the strategy of identifying £22.2 million for 2017/18.
- 2.7 The projected target of £22.2 million at March 2016 was revised to £23.5 million. This was due to a number of proposals being reprofiled or removed.
- 2.8 Cabinet approved that 32 Budget Reduction and Income Generation proposals totalling £13.5 million proceed to formal budget consultation and scrutiny stages of the budget process, whilst 24 Financial Transactions and Base Budget revisions totalling £10.0 million in 2017/18 be incorporated into the 2017/18 Draft Budget and did not form part of the public consultation.
- 2.9 Details of the Budget Reduction and Income Generation proposals totalling £13.5 million in 2017/18 have been made available on the Council's website since the 24 October 2016, and are the subject of this report. The consultation is branded as 'Delivering What Matters With Less'.
- 2.10 The Council's budget consultation took place from 24 October 2016 to 14 January 2017 as part of the budget setting process for 2017/18. All of the consultation and analysis is conducted in-house and is a major factor in keeping the cost of delivery to a minimum.
- 2.11 During the consultation period, there have been stakeholder engagement meetings with the local community, the Business Community, the Voluntary and Community Sector, the Older People's Forum and Trade Unions.

- 2.12 Presentations have been carried out at each of these meetings by the Cabinet Member for Resources, Councillor Johnson, and the Director of Finance or Chief Accountant. The Cabinet Member for City Environment, Councillor Evans, participated in presentations at the local community consultations and the Cabinet Member for City Economy, Councillor Reynolds at the Business Community meeting, assisted by appropriate senior council employees. The public and Council employee's views are also being obtained through social media and by an online and booklet survey.
- 2.13 In addition to the wider budget consultation meetings, two additional meetings with representatives from the city's equalities forum and a further meeting with the city's Youth Council have been held. All three meetings were attended by the Head of Public Protection. The two meetings with Equalities Forum representatives were to ensure the equality analysis undertaken as part of the review of the service was appropriate and comprehensive. The meeting with the Youth Council was requested by them as they wanted the opportunity to discuss the proposed service changes with particular emphasis on any implications for fly-tipping and other environmental crime.

3.0 Key Findings

- 3.1 To gather views on the 32 Budget Reduction and Income Generation proposals, the Council's budget consultation ran for a period of 12 weeks from 24 October 2016 and 14 January 2017 using a range of consultation mechanisms.
- 3.2 In the following paragraphs, a summary of the participants in the stakeholder and community group meetings, plus details of other groups and interested parties that have provided their views and opinions, are provided.
- 3.3 The following stakeholder engagement meetings have been held:
- 4 Community meetings;
 - 2 Equalities Forum meetings (Waste issues only)
 - 1 Voluntary and Community Sector meeting;
 - 1 Trade Union meeting;
 - 1 Business Community meeting;
 - 1 Youth Council meeting (Waste only) and
 - 1 Wolverhampton Older People's Forum.
- 3.4 137 (67 - 2016/17) members of the public/representatives have attended the stakeholder meetings. The breakdown of attendees is as follows:
- 3 (0 – 2016/17) attendees at Bob Jones Centre, Blakenhall;
 - 10 (9 – 2016/17 Bilston Town Hall) attendees at Bert Williams Leisure Centre, Bilston;
 - 24 (2 – 2016/17) attendees at Bantock Tractor Shed, Bradmore;
 - 9 (1 – 2016/17) attendees at Low Hill Community Centre, Low Hill;
 - 14 (24 – 2016/17) attendees at a Voluntary and Community Sector meeting, Council Chamber;
 - 14 (8 – 2016/17) attendees at Business Breakfast, Mayoral Chambers;
 - 16 (6 – 2016/17) attendees at Trade Union meeting; and
 - 16 (17 – 2016/17) attendees at Wolverhampton Older People's Forum

- 22 attendees at Youth Council meeting
- 9 attendees at 2 Equalities Forum meetings.

- 3.5 The Council have used a range of methods including face to face, online survey and written communications to gather responses during the consultation period. The consultation was publicised via several types of media; the Council website, the Facebook page “Wolverhampton Today”, and Twitter.
- 3.6 In total 2,458 individuals (1,030 last year, an increase of 138%) took part in the budget consultation survey.
- 3.7 A more detailed analysis of the consultation findings can be found in Appendix A.
- 3.8 Appendix B shows a heatmap of the City of Wolverhampton with the location of the respondents who provided a postcode when completing the survey. The heatmap is based on 1,731 of the 2,458 respondents residing in Wolverhampton who provided postcodes. This equates to nearly 71% of the total response rate. However, each dot represents a unique postcode rather than a person, so if more than one person at an address completed the survey that would not be represented. The heatmap should be used with caution as 29% (727 of the 2,458) of respondents are not recorded. However, it does demonstrate that responses have been received from across the City.
- 3.9 The themes that respondents have had the opportunity to comment on are:
- Redesigning services to deliver savings;
 - Generating income to help balance the books;
 - Invite public and business volunteering to help balance the books;
 - Cease funding to help balance the books;
 - Waste collection services and frequency of collection;
 - Introduce charges for the collection of garden waste, a discretionary service;
 - Introduce an enforced waiting times to free outlying car parks; and
 - Raising Council Tax.
- 3.10 Within each theme, respondents were asked to provide responses to a number of concepts posed. These are shown in full in the charts at Appendix A.

4.0 Conclusions

- 4.1 This report summarises the headline findings from the budget consultation exercise run by the City of Wolverhampton Council on its budget proposals for 2017/18. It includes an analysis of qualitative presentations and meetings with key stakeholder and community groups designed to gather views and opinions on the 32 Budget Reduction and Income Generation proposals. It also includes the outline findings from the survey. Stakeholder engagement meetings were held with Trade Unions, various local public communities, the Business Community and the Voluntary and Community Sector.

- 4.2 The final budget will take into account the completed set of responses to the consultation to be reported to Cabinet on 22 February 2017 before recommending to Full Council on 1 March 2017 to approve.

5.0 Financial implications

- 5.1 The final outcome of budget consultation will be taken into account in the Cabinet's final budget recommendation to Full Council on 1 March 2017.
- 5.2 Should any changes be made to the 2017/18 Draft Budget as a result of the findings of the budget consultation exercise, which results in an increased net budget requirement, new proposals of an equivalent value will have to be urgently identified to address the projected budget deficit.

[RP/27012017/Q]

6.0 Legal implications

- 6.1 The legal duty for a council's finances falls within S151 of the Local Government Act 1972. Arrangements for the proper administration of their affairs are secured by the S151 Officer (the Director of Finance).
- 6.2 Section 138 of the Local Government and Public Involvement in Health Act 2007 placed a general duty on every local authority in England to take such steps as it considers appropriate to secure that representatives of local persons (or of local persons of a particular description) are involved in the exercise of any of its functions, among other things by being consulted about the exercise of the function. The 2010 Equality Act whilst not imposing a specific duty to consult, lays a requirement to have due regard to the equality impact when exercising its function. Failure to meet the requirements in the Public Sector Equality Duty may result in the Council being exposed to costly, time-consuming and reputation-damaging legal challenges.
- 6.3 A detailed report on consultation feedback from all phases of consultation is, therefore, presented to Cabinet.

[TS/18012017/B]

7.0 Equalities implications

- 7.1 Under the Equality Act 2010, the Council has a statutory duty to pay due regard to the impact of how it carries out its business on different groups of people. This is designed to help the Council identify the particular needs of different groups and reduce the likelihood of discrimination. The nine equality strands covered in the legislation are:

- Age
- Disability
- Gender reassignment

- Marriage and Civil Partnership (this strand only applies to employment and not to service delivery)
- Pregnancy and Maternity
- Race
- Religion or Belief
- Sex
- Sexual Orientation

- 7.2 In relation to determining the overall revenue budget for the Council there is always a difficult balance to be struck in deciding the levels at which to invest, reduce expenditure and raise income set against the often competing needs of different groups within the Wolverhampton community.
- 7.3 In order to address these complex issues, the Council operates an open and consultative approach to budget and Council Tax determination. Year-on-year and medium term spending forecasts are provided to every household and business ratepayer within the City as part of the documentation which accompanies the Council Tax demand.
- 7.4 Budget consultation meetings have been held with the business community, the voluntary sector, communities of interest, representatives from the Equalities Forum (waste only), the Youth Council (waste only) and trade unions. The Council's budget consultation approach has also included an online survey in order to gain feedback on budget and service priorities.
- 7.5 In determining the budget for 2017/18, considerable focus has been placed on the development of budget reduction and income generation proposals. All of these proposals will be subject to an equality analysis screening and where necessary a full equality analysis will be conducted.
- 7.6 The Council is facing a particularly challenging short and medium term financial environment in which savings must be generated and a tight control on spending maintained. This means that greater focus than ever is necessary to ensure that core equalities commitments is met.
- 7.7 In summary, the Council's annual budget and medium term financial strategy supports a range of services designed to meet key equalities objectives. A cumulative equalities analysis will be conducted on the overall budget proposals, including the overall impact of job losses. This is will be made available on the Council's website.
- 7.8 Councillors should also be aware that under the Equality Act 2010, they must comply with the Public Sector Equality Duty (PSED) when making budget decisions. What this means in practice is that Councillors must consciously think about the three aims of the PSED as part of the decision making process. The three aims are to have due regard to the need to:
- Eliminate discrimination, harassment and victimisation,

- Advance equality of opportunity by removing or minimising disadvantages, meet differing needs and encouraging participation,
- Foster good relations between people from different groups.

7.9 The Act does not require the Council to treat everyone in the same way; sometimes different treatment is required, for example, be making reasonable adjustments to meet the needs of disabled people.

7.10 Consideration of equality issues must influence the decisions reached by public bodies including:

- How they act as employers,
- How they develop, evaluate and review policy,
- How they design, deliver and evaluate services,
- How they commission and procure from others.

7.11 The Brown Principles, established as a result of a legal case concerning Post Office closures in 2008, provide an important checklist that should be considered when making decisions:

- Decision makers must be made aware of their duty to have due regard to the identified goals;
- Due regard must be fulfilled before and at the time that a particular decision is being considered, not afterwards;
- The duty must be exercised in substance, with rigour and with an open mind. It is not a question of ticking boxes;
- The duty cannot be delegated; it must be fulfilled by the organisation in question rather than through the use of an external body;
- The duty is a continuing one; and
- It is good practice to keep an adequate record showing that it has considered the identified needs.

8.0 Environmental implications

8.1 Environmental implications will be addressed on a case by case basis as part of individual proposals.

9.0 Human resources implications

9.1 Any reductions in employee numbers will be achieved in line with the Council's HR voluntary redundancies in the first instance, and through access to redeployment. Given the volume and range of the proposals, there will be reductions in services and

employee numbers which will require fair and due process to be followed regarding consultation, selection and implementation of any compulsory redundancies.

- 9.2 The Council will ensure that appropriate support is made available to employees who are at risk of and selected for redundancy, and will work with partner and external agencies to provide support. Proposals to move service delivery from direct Council management to private, community or third sector providers may have implications under the TUPE regulations.
- 9.3 There is on-going consultation with the trade unions on the impact of the Council's budgetary position and the proposals being made to meet the challenges posed by it.

10.0 Corporate landlord implications

- 10.1 Corporate landlord implications will be addressed on a case by case basis as part of individual proposals.

11.0 Schedule of background papers

- 11.1 Budget 2017/18 – Consultation Update, report to Cabinet, 18 January 2017

Draft Budget and Medium Term Financial Strategy 2017/18 – 2019/20, report to Cabinet, 19 October 2016

Draft Budget and Medium Term Financial Strategy 2017/18 – 2019/20, report to Cabinet, 20 July 2016

2016/17 Budget and Medium Term Financial Strategy 2016/17 - 2019/20, report to Cabinet, 24 February 2016

1.0 Considerations around representativeness and reporting of the data

- 1.1 In line with best practice issued by Government (The Government's Consultation Principles July 2016), the consultation particularly focused on involving the range of stakeholders affected by the proposals, as well as enabling the general public to comment through the online survey, social media and public meetings. The findings from the stakeholder meetings and other qualitative correspondence, is by its very nature, indicative only and not necessarily representative of the wider population.
- 1.2 It is recognised that the public, community groups and key stakeholders may not always be aware of the budgetary and technical financial constraints that local authorities operate under. This document does not attempt to unpick this, but simply reports the views of the various consultees in their broadest perspective.
- 1.3 The qualitative findings are a source of information derived from concepts that are included in the budget proposals. These have been drawn from comments from the survey, emails received from members of the public and social media where available. It should be noted that individual views received are not necessarily representative; however, the inclusion of many of these comments forms an important part of the Council's Equality Assessment of the budget proposals – a process that is legally required.

2.0 Key Findings

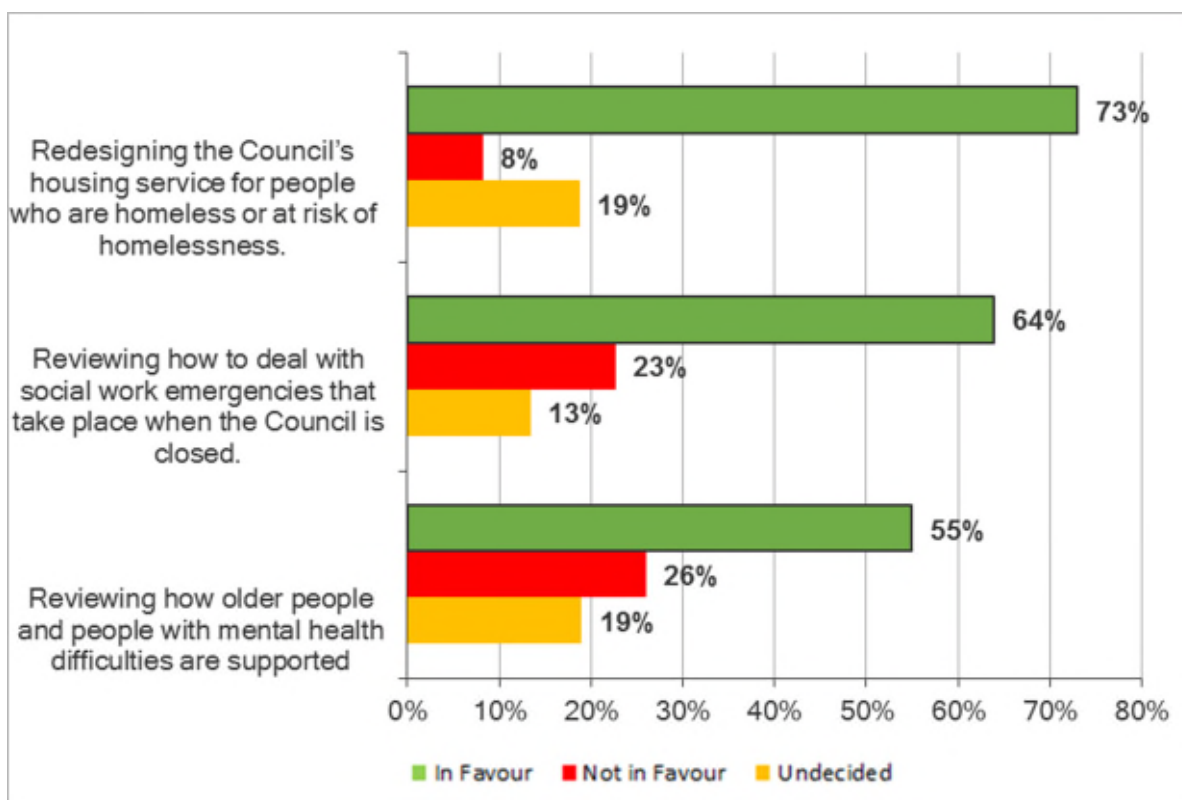
- 2.1 The main themes that respondents had the opportunity to comment on were:
 - Redesigning services to deliver savings;
 - Generating income to help balance the books;
 - Invite public or business volunteering to run a service;
 - Cease funding to help balance the books;
 - Waste collection services and frequency of collection;
 - Introduce charges for the collection of garden waste, a discretionary service;

- Introduce an enforced waiting times to free outlying car parks; and
- Raising Council Tax.

2.2 Redesigning services to deliver savings

To help balance the books it is proposed to redesign certain services. Respondents were asked to choose if they were in favour, not in favour or undecided in each of the three savings concepts. Their responses are recorded in the following chart:

Chart 1 – To help balance the books it is proposed to redesign services to deliver savings by:

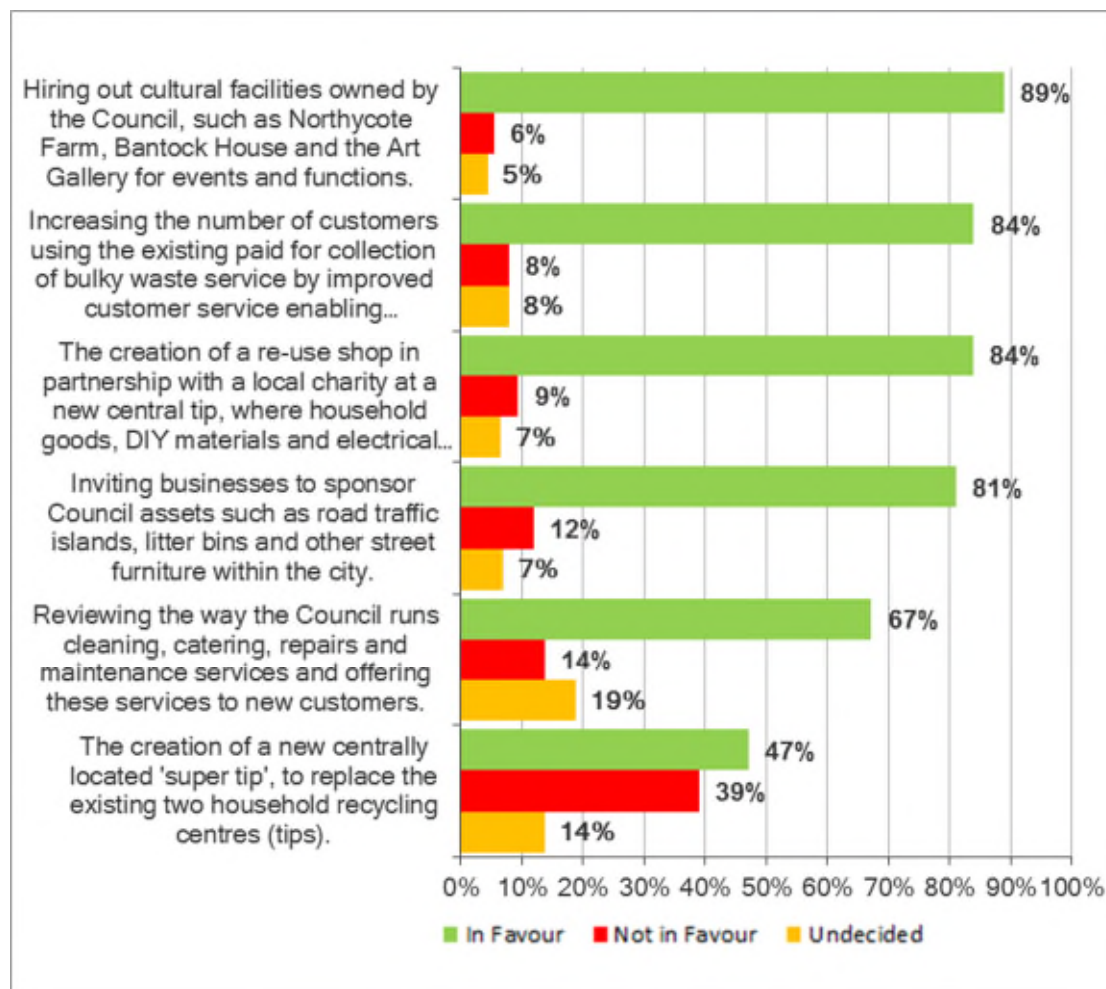


Overall, there were a total of 7,262 responses for this question. Of which 4,646 (64%) of respondents were supportive of the proposed redesign to services to deliver savings, whilst 1,377 (19%) of respondents were not in favour.

2.3 Generating income to help balance the books

To help balance the books it is proposed to generate additional income. Respondents were asked to choose if they were in favour, not in favour or undecided in each of the six savings concepts. Their responses are recorded in the following chart:

Chart 2 – To help balance the books it is proposed to generate income by:



The top **three** income generation ideas respondents were **in favour** of were:

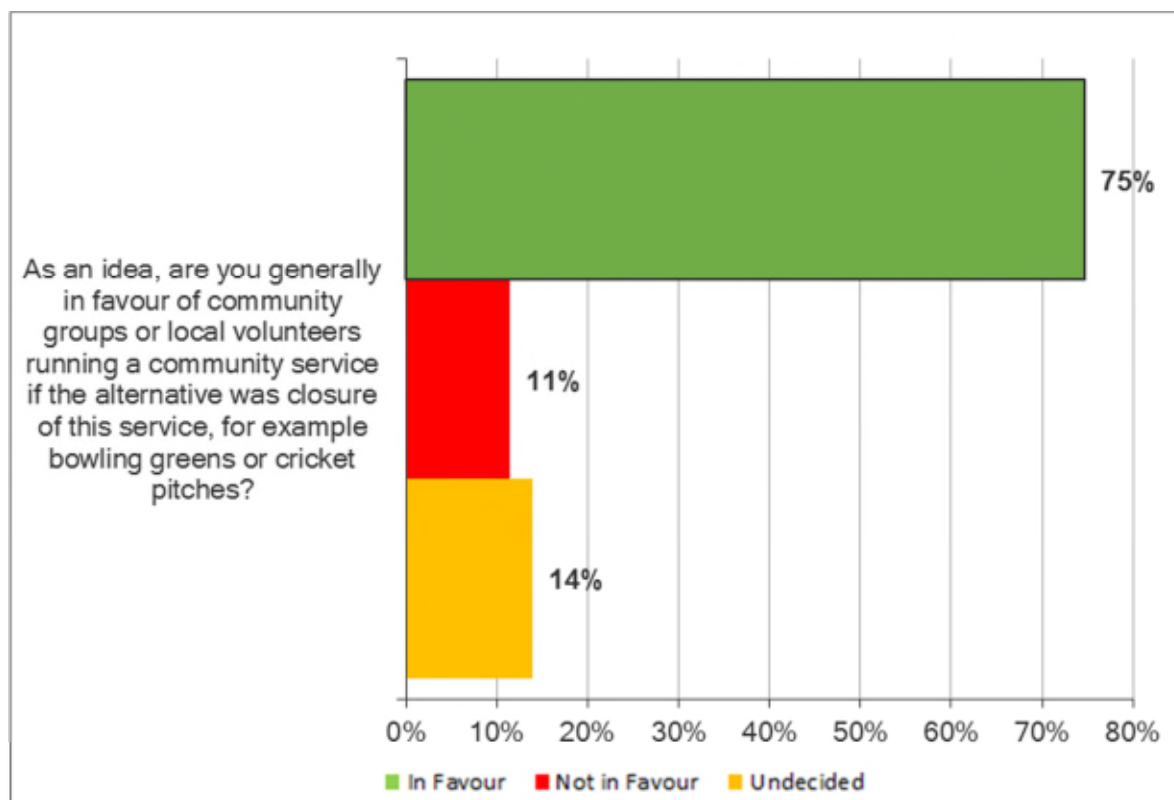
- Hiring out cultural facilities owned by the Council (89%)
- Increasing the number of customers using the existing paid for collection of bulky waste service (84%)
- The creation of a re-use shop in partnership with a local charity at a new central tip (84%)

Overall, there were a total of 13,925 responses for this question. Of which 10,536 (76%) of respondents were supportive of the proposed income generation ideas, whilst 2,025 (15%) of respondents were not in favour.

2.4 Invite public or business volunteering to run a service

To help balance the books it is proposed to invite volunteers or businesses to run a service. Respondents were asked to choose if they were in favour, not in favour or undecided. Their responses are recorded in the following chart:

Chart 3 – To help balance the books it is proposed to invite volunteers or business to run a service:

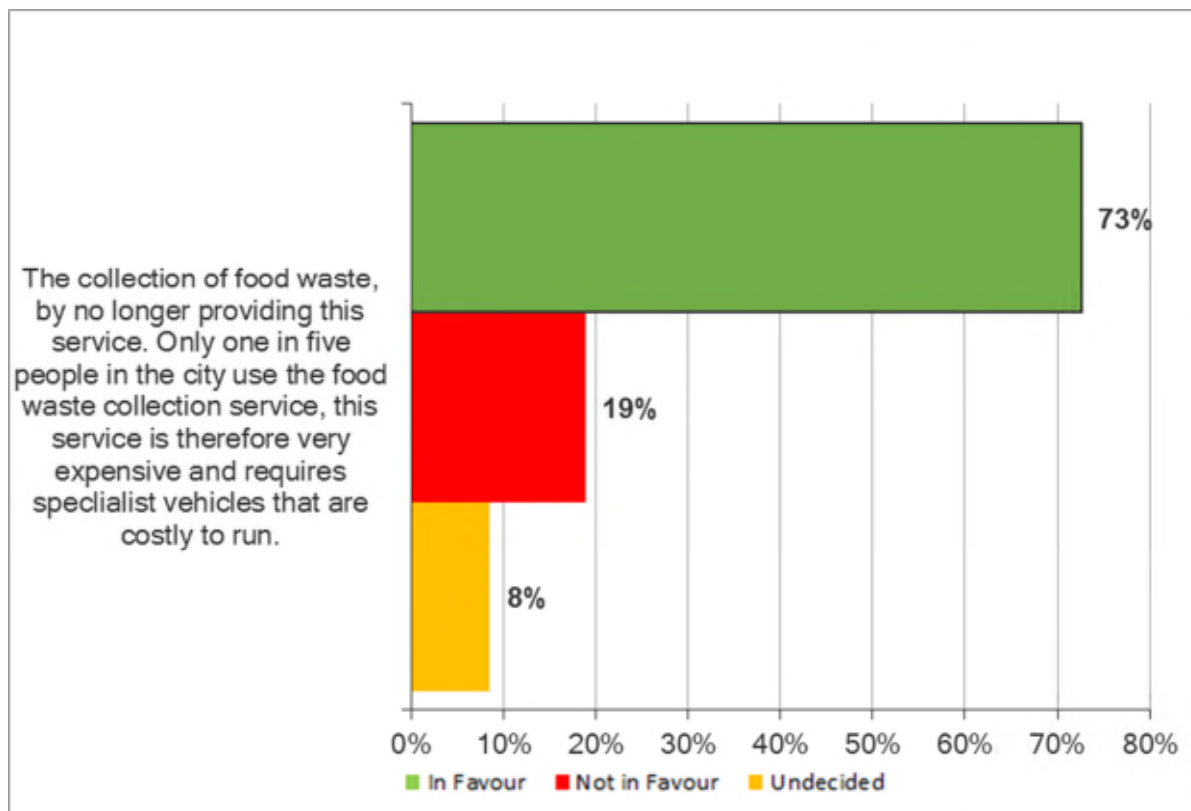


Overall, there were a total of 2,306 responses to this question. Of which 1,722 (75%) of respondents were supportive of the idea to invite volunteers or businesses to run a service, whilst 263 (11%) of respondents were not in favour.

2.5 Cease funding to help balance the books

To help balance the books it is proposed to cease funding for the collection of food waste, by no longer providing this service. Respondents were asked to choose if they were in favour, not in favour or undecided. Their responses are recorded in the following chart:

Chart 4 – To help balance the books it is proposed to cease funding for:

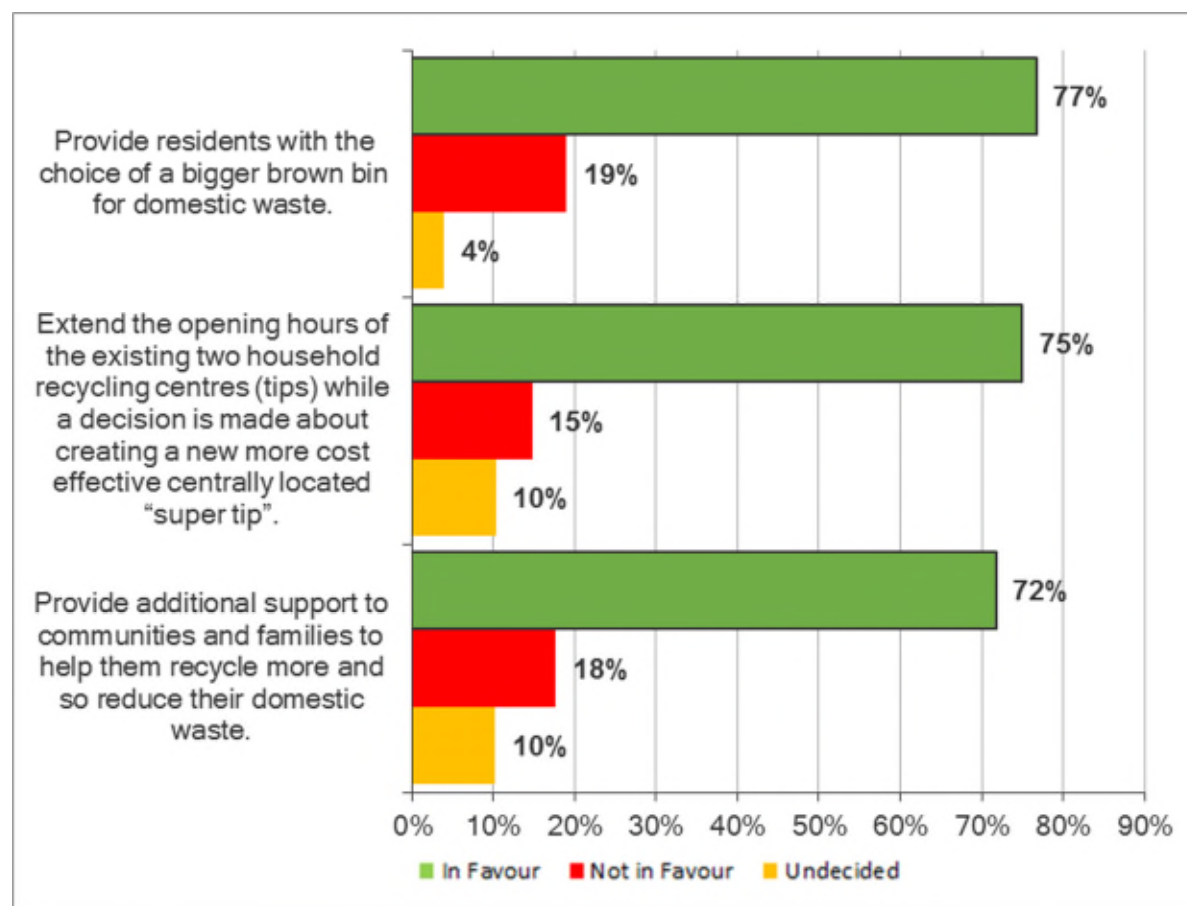


Overall, there were a total of 2,260 responses to this question. Of which 1,641 (73%) of respondents were supportive of the idea to cease funding for the collection of food waste, whilst 427 (19%) of respondents were not in favour.

2.6 Waste collection services

Following the end of a Government grant for keeping the domestic waste (brown bin) collection weekly the Council proposed to move to a fortnightly collection for domestic waste as this costs less. In order to manage this change, respondents were asked to choose if they were in favour, not in favour or undecided in each of the three savings concepts. Their responses are recorded in the following chart:

Chart 5 – In order to manage this change the Council proposes to:

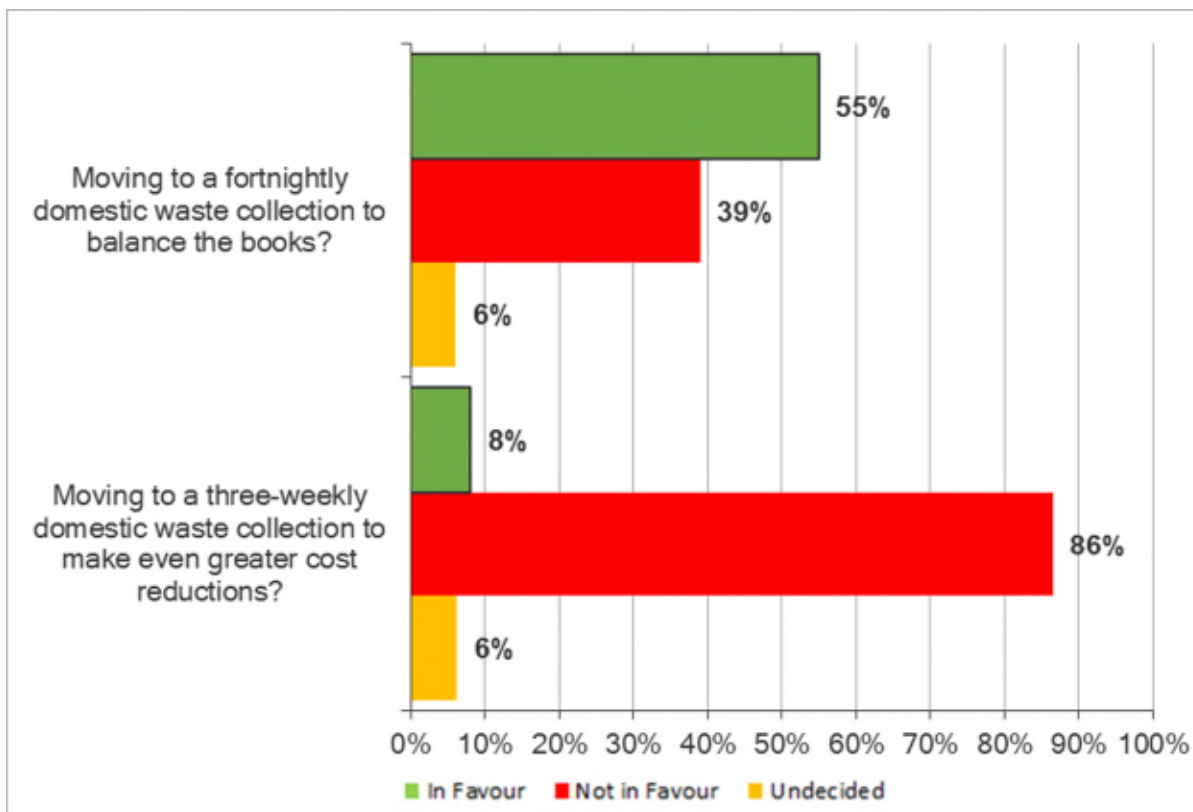


Overall, there were a total of 6,805 responses to this question. Of which 5,066 (74%) of respondents were supportive of the idea to manage this change, whilst 1,166 (17%) of respondents were not in favour.

2.7 Frequency of collection

Respondents were asked to choose that if the measures described in 2.6 above were in place, would they be in favour, not in favour or undecided of moving to a fortnightly or three-weekly domestic waste collection. Their responses are recorded in the following chart:

Chart 6 – Frequency of collection:



Out of 2,269 responses, 1,246 (55%) of respondents were supportive of the idea of moving to a fortnightly domestic waste collection, whilst 884 (39%) of respondents were not in favour.

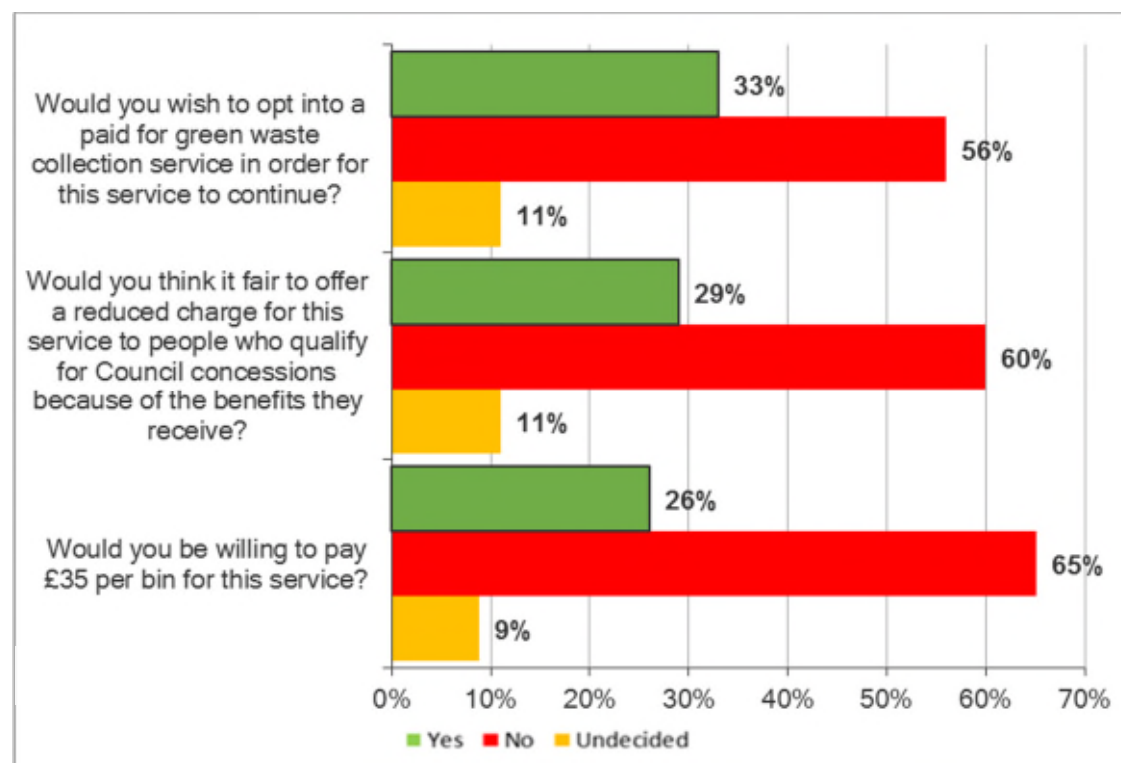
Out of 2,272 responses, 1,965 (86%) of respondents were not supportive of the idea of moving to a three-weekly domestic waste collection, whilst 182 (8%) of respondents were in favour.

2.8 Introduce charges for the collection of garden waste, a discretionary service

The collection of garden waste is a discretionary service and many residents are unable to use this service, for example, those without a garden and many choose not to do so. The Council proposes to make the collection of green waste an optional service only for those who want it.

Many Councils already charge between £35 and £60 for this service, the City of Wolverhampton Council is proposing to introduce an annual charge of £35 per bin, with an introductory offer of £35 per bin for the first year and a half. Respondents were asked to choose if they were in favour, not in favour or undecided around three questions. Their responses are recorded in the following chart:

Chart 7 – Collection of garden waste:

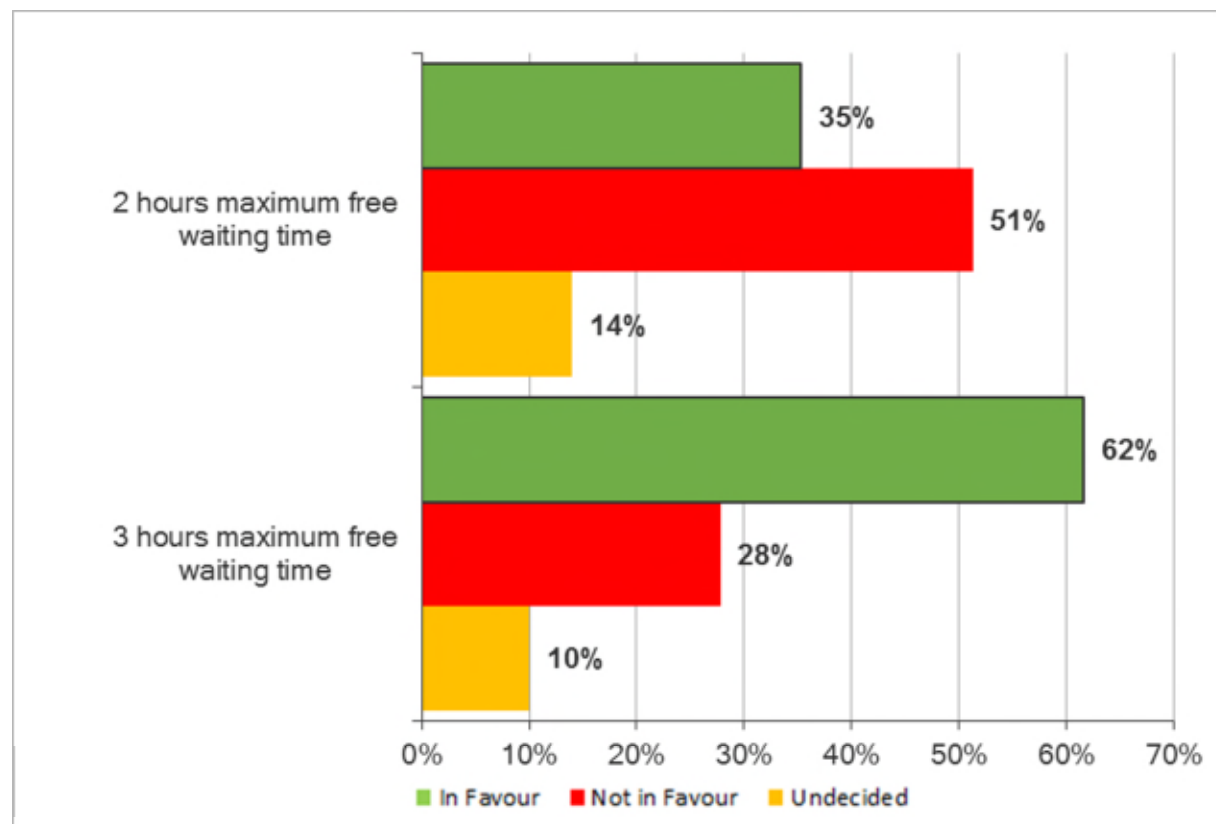


Overall, there were a total of 6,567 responses to this question. Of which 3,969 (60%) of respondents were not in favour of paying for the service or willing to pay £35 per bin and thought it was not fair to offer a reduced charge, whilst 1,937 (29%) of respondents were in favour.

2.9 Introduce an enforced waiting times to free outlying car parks

In order to maintain sufficient parking for shoppers and other people conducting local business, respondents were asked whether they were in favour, not in favour or undecided of introducing an enforced waiting time for these car parks after which customers must move on or be subject to a fine. Their responses are recorded in the following chart:

Chart 8 – Introducing an enforced waiting time to our free outlying car parks:



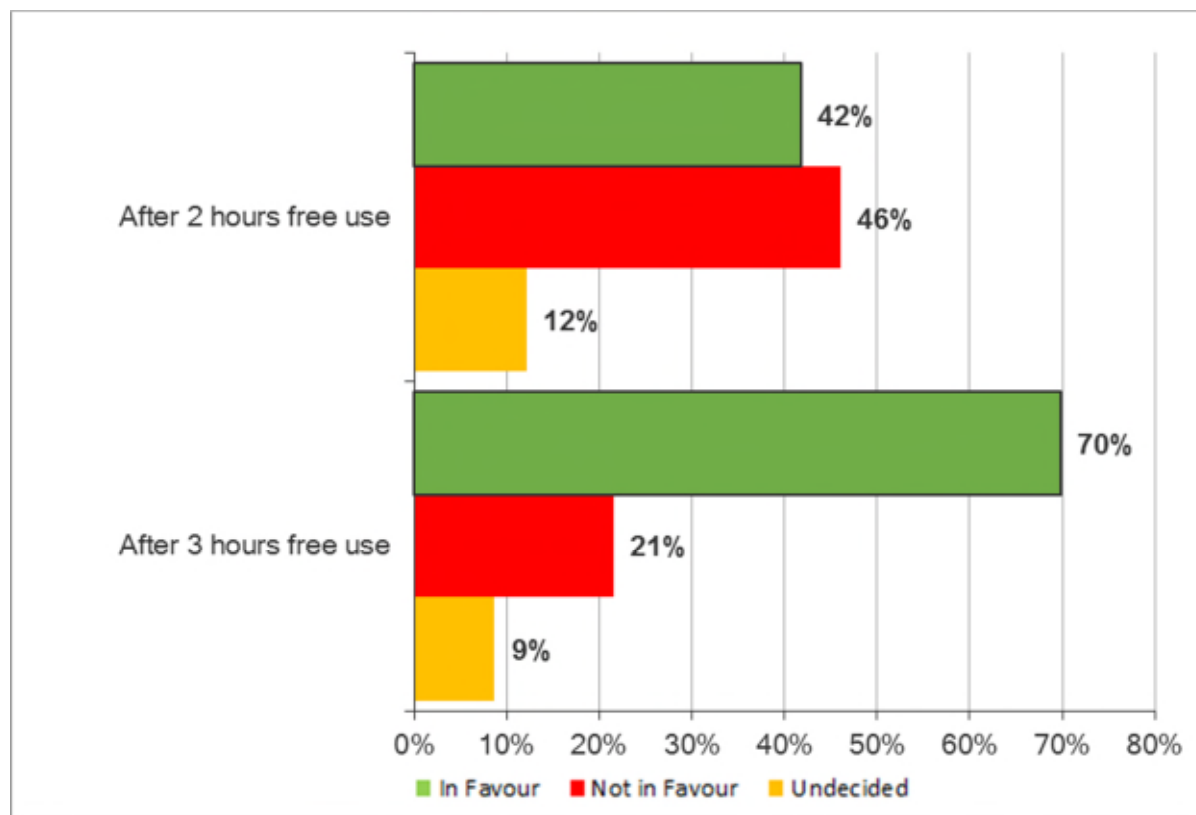
Out of 2,051 responses, 725 (35%) of respondents were in favour of allowing 2 hours maximum free waiting time, whilst 1,052 (51%) of respondents were not in favour.

Out of 2,163 responses, 1,333 (62%) of respondents were in favour of allowing 3 hours maximum free waiting time, whilst 602 (28%) of respondents were not in favour.

2.10 Introduce a charge after a period of free use to allow for longer stays to free outlying car parks

Respondents were asked whether they would be in favour, not in favour or undecided of an approach which does allow for longer stays by introducing a charge after a period of free use. Their responses are recorded in the following chart:

Chart 9 – Introducing a charge to allow for longer stays to our free outlying car parks:



Out of 1,977 responses, 826 (42%) of respondents were in favour of charging after 2 hours of free use, whilst 910 (46%) of respondents were not in favour.

Out of 2,140 responses, 1,494 (70%) of respondents were in favour of charging after 3 hours of free use, whilst 460 (21%) of respondents were not in favour.

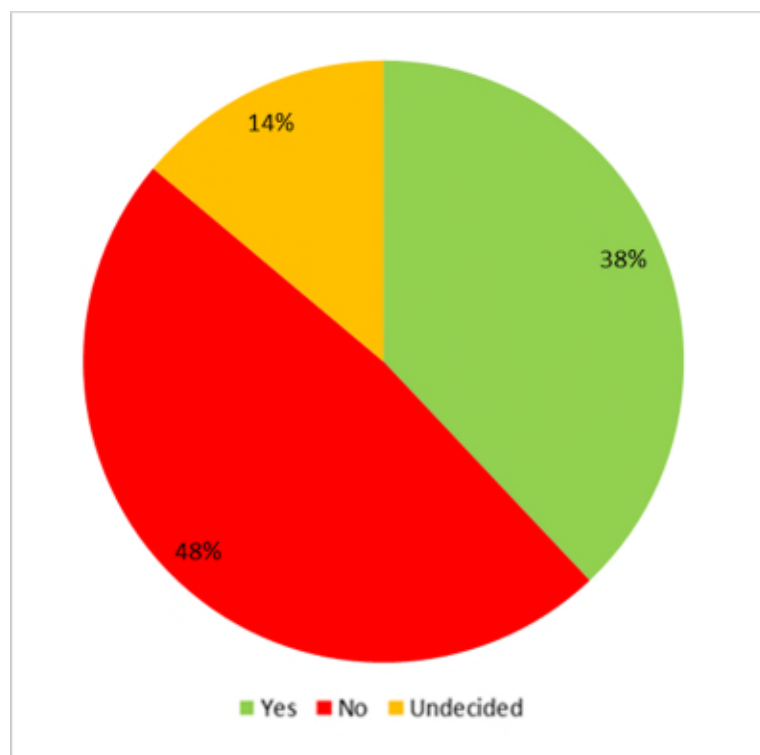
2.11 Raising Council Tax

The Council is proposing a 1.99% increase in Council Tax for 2017/18 and in line with Government policy introduced in 2016/17 proposes to levy an additional 2% Adult Social Care charge.

The proposed total 3.99% increase would be an extra £37.89 per year (73 pence per week) for the majority of properties in Wolverhampton (Valuation Band A) or if a single person discount is applicable for the property the increase for 2017/18 would be an extra £28.42 per year (55 pence per week).

Respondents were asked if they would be prepared to pay more Council Tax (than the currently proposed Council Tax increase of 3.99%) to protect key services from further cuts, noting that any increase in Council Tax over 1.99% would be subject by law to a local referendum. Their responses are recorded in the following chart:

Chart 10 – Would you be prepared to pay more Council Tax to protect key services from further cuts?



851 of 2,227 respondents (38%) stated that they would be willing to pay more than the proposed 3.99% increase in Council Tax to protect key services from further cuts. 1,079 respondents (48%) stated that they would not be willing to pay more Council Tax.

3.0 Feedback from Wolverhampton Over 50s Consultation

The Wolverhampton Over 50s Forum was invited to attend an event at the Civic Centre on 16 November 2016. At this event, City of Wolverhampton Council Councillors and Officers presented the Council's 2017/18 budget plans and discussed a number of themes arising as a result.

3.1 Amongst the themes discussed were:

- The main concerns for this group were about reductions in budgets for Adult Social Care, especially in light of the Adult Social Care Precept and in light of an aging population and increased demand for services.
- They believe there should be more of a focus on reducing older people's need for social care through prevention and rehabilitation by investments in services and that the impact of the ageing population could affect the Council's ambition to develop a buoyant and resilient economy and a vibrant voluntary sector.

4.0 Feedback from Trade Union (Joint Consultative Panel) Consultation

City of Wolverhampton Council Councillors and Officers presented the Council's 2017/18 budget proposals to the Joint Consultative Panel on 30 November 2016 and discussed a number of themes.

4.1 Amongst the themes discussed were:

- The main concerns for this group were around the impact of Waste Services budget cuts on the workforce through possible job losses, as well as issues concerning increased pension costs.
- They reiterated their view about bringing jobs back in house rather than outsourcing, which they believe would save money.
- They were in favour of levels of investment in the City continuing to encourage businesses into the City.
- A further issue was that fly tipping could increase in light of cuts, especially in some areas and those furthest away from the tip.

5.0 Feedback from Business Consultation

Local business representatives/champions were invited to attend an event at the Civic Centre on 10 November 2016. At this event, City of Wolverhampton Council Councillors and Officers presented the Council's 2017/18 budget plans and discussed a number of themes arising as a result.

5.1 Amongst the themes discussed were:

- Businesses are concerned about levels of business rates and that the Council needs to recognise how important this is for City Centre development and to attract people and more businesses.
- Businesses need more key information and would like the Council to engage more to enable the business community to plan ahead. They would also like more support and a partnership approach, in particular for smaller and city centre businesses (not just big companies). The Council has a vital role to play in enhancing businesses.
- They also recognised that the Council needs to work to improve the reputation and image of the City to attract people and more businesses in.
- Other issues centred on car parking access and provision and the need for more attractive work space.

6.0 Feedback from Voluntary and Community Sector Consultation

Local voluntary and community sector organisations were invited to attend an event at the Civic Centre on 1 November 2016. At this event, City of Wolverhampton Council Councillors and Officers presented the Council's 2017/18 budget plans and discussed a number of themes arising as a result.

6.1 Amongst the themes discussed were:

- A major concern for this group was the level of cuts in Adult Services which as a percentage of the budget appears disproportionate to other service areas and that this could impact on unpaid carers.
- There was a desire to see more detail around the investment in prevention and early intervention.
- They were also concerned about if the council had quantified the cost of regeneration and was able to demonstrate that the benefits outweigh the costs. How does the council balance investment priorities, for example the Youth Zone compared with the Market?
- A further issue was what the council is doing to reduce the number of interim staff and costs.

- The group want the council to share information about the level of service provided across the City and how outcomes are designed as well as identifying if the council is committed to working with partners to tackle the challenges together and how the council invests in the transition for children into adulthood. They are interested to know if the council is open to a tripartite agreement with the voluntary, public and private sector, recognising that this could create an opportunity to support quality assurance.
- Concerns were also raised about the impact of charging for green waste on the working poor.

7.0 Feedback from the four Public Meeting Consultations

Members of the public were invited to attend four public meetings held around the City of Wolverhampton in November and December 2016 to have their say in the consultation. At these meetings, City of Wolverhampton Council Councillors and Officers presented the Council's 2017/18 budget plans and discussed a number of themes arising as a result.

7.1 Amongst the themes discussed were:

Domestic Waste

- There were concerns about smells from bins and rats if they are only emptied fortnightly. People with babies may struggle to get rid of nappies and there will be health issues. However, the suggestion for larger brown bin was welcomed to alleviate this although larger bins will be more difficult to move and pedestrians may not be able to get by on pavements with larger bins being put out.
- It was felt that the Council is currently good at dealing with fly tipping but it may increase as a result of cuts and had the Council considered the costs of this.
- A further concern was the cost of waste arising from travellers' sites as this has to be paid for.
- It was acknowledged that the waste leaflet about recycling is very good and clear and people are impressed with recycling levels. They felt that the Council is listening to people. Waste is an example to the rest of the Council about how to communicate with people. However, some people pointed out that the Council could communicate better about composting, costs of recycling and the re-use shop.
- There were issues raised about less vehicles and rounds and had the Council consulted with Dudley
- Questions were raised about commercial waste and how this is dealt with to avoid costs.

Garden waste

- A number of concerns were raised about paying for bins and the same people always being charged. Why should people have to pay for bins when other services are not charged for and how would it be monitored so that the Council would know who had paid? Issues were raised about problems with road sweeping not being done which means residents would have to collect leaves and put them in bins, if they have to pay for bins they may be just be left. There was also felt to be a risk people will use brown bins for garden waste and that changes could lead to bonfires, pollution and accidents.
- However, it was recognised that other Council's had been spoken to learn from their experience and that and environmental impact assessment would be undertaken.

Super tip

- There were major concerns about the cost of creating a super tip, the proposed location and that there had been little visibility about assumptions and figures. Questions were raised about the need for this and why the current ones couldn't just be extended.
- It was also felt that any super tips could lead to congestion in town as well as queuing at the tip and there would be problems if people did not have cars.
- However, it was recognised that recycling is an important issue and that people should be fined if they don't recycle.

Food waste

- There was widespread appreciation that food waste canisters are being phased out but one person asked if the Council had considered the cost of waste disposal units you can put in your sink.
- There was some concern that food caddy waste may end up in brown bins.

Social care

- There was concern about reduced funding for social care and being made to feel guilty for getting old. Some thought that family breakdowns will increase due to poverty.
- However, there was praise for the reduction in numbers of children in care.

Other

- There were concerns that planned routes for street sweeping aren't done correctly.
- People pointed out that when making any changes the Council needs to consider that not everyone is fit and that there are needs around agility, health and ICT abilities.
- There were general concerns about much could be saved if the Council was better at collecting the income it is owed, the costs of refurbishing the civic centre, Councillor allowances and how much is being spent on consultants, as well as the need to do more for carers as they need more support.
- Some raised why there was a need to extend the metro to the station and the reason for the coach stop by the metro as well as any proposed changes to street lighting.
- However, there was wide recognition that problems are not from local labour council but from central government and that the cuts in funding come from government.

General consultation process

- There was some concern that this is not a consultation as decisions have already been made and that if people oppose the proposals will it make any difference.
- The consultation questionnaire does not contain any financial information and that it is too ambiguous and there is no chance to comment.
- Some people pointed out they do not have access to the internet so links to further information are not helpful.

8.0 Feedback from the Youth Council Meeting

Members of the Youth Council were invited to attend a meeting on 9 January 2017 to have their say in the consultation. At this meeting, the Head of Public Protection presented the Council's proposals to review the waste collection service and discussed a number of themes arising as a result.

8.1 Amongst the themes discussed were:-

Domestic Waste

- Some concerns about smells from bins and rats if bins are only emptied fortnightly. However, the suggestion for larger brown bin was welcomed for larger families. It was queried whether a charge could be made for bigger bins.
- It was felt that fly tipping may increase and the costs of this may outweigh the savings.
- The waste leaflet about recycling was felt to be very good and clear by those who had seen it but not all knew about it. Representatives were impressed with recycling levels but wanted more to be done to engage with young people. Some representatives felt the Council could provide more information about composting.
- It was mentioned that the Council should consider additional collections around all religious festivals.

Garden waste

- A number of concerns were raised about the proposed charge when other services are free.

Food waste

- There was understanding of the need that food waste canisters are being phased out.
- There was some concern that food caddy waste may end up in brown bins and attract more pests / foxes etc.

9.0 Feedback from the Equalities Forum meetings:

Representatives from the City's Equalities Forum were invited to attend meetings on 21 November 2016 and 5 December 2016 to have their say in the consultation. At these meetings, the Head of Public Protection presented the Council's

proposals to review the waste collection service and discussed a number of themes arising as a result. The first meeting was attended by the Cabinet Member for City Environment.

9.1 Amongst the themes discussed were:-

Domestic Waste

- There was concern that the proposed changes would lead to an increase in fly-tipping.
- Concerns were raised over smells and health issues arising over the summer when people miss collections, for example if on holiday.
- Concerns over hygiene when disabled residents have to put pads etc. in their domestic bin and these will not be collected for a fortnight.
- Concerns over needs for larger bins to manage two weeks' worth of rubbish will make it difficult for some disabled people to manage the weight of a larger bin, or manoeuvre a larger bin if in a wheelchair. Suggested that this will increase the need for assisted collections.
- Suggestion made that if residents miss their fortnightly collection due to impairment as a result of their disability the council should offer a one off collection when this is reported as a reasonable adjustment under the Equalities Act.
- Overall there was support and understanding for the need to move to fortnightly collections.
- A suggestion was made that weekly collections could be available for people who chose to pay for additional collections, or alternatively a "pay on demand" service for a one off collection could be considered.
- A suggestion was made that a sticker with pictures showing what can and can't go in each bin could be put on the bins.

Garden waste

- A number of individuals raised concerns that if this free service stopped then the waste would either go in the residual waste bin or be fly tipped.
- Agreement that concessions should be offered a free service.

Super tip

- There was concern that a supersite won't address access for disabled people who can't drive and who therefore cannot use the facility.
- Concerns raised over congestion, and parking layouts within a supersite.
- Preference raised for extending existing facilities, rather than creating a single super site.
- Support was expressed for the incorporation of a reuse facility.

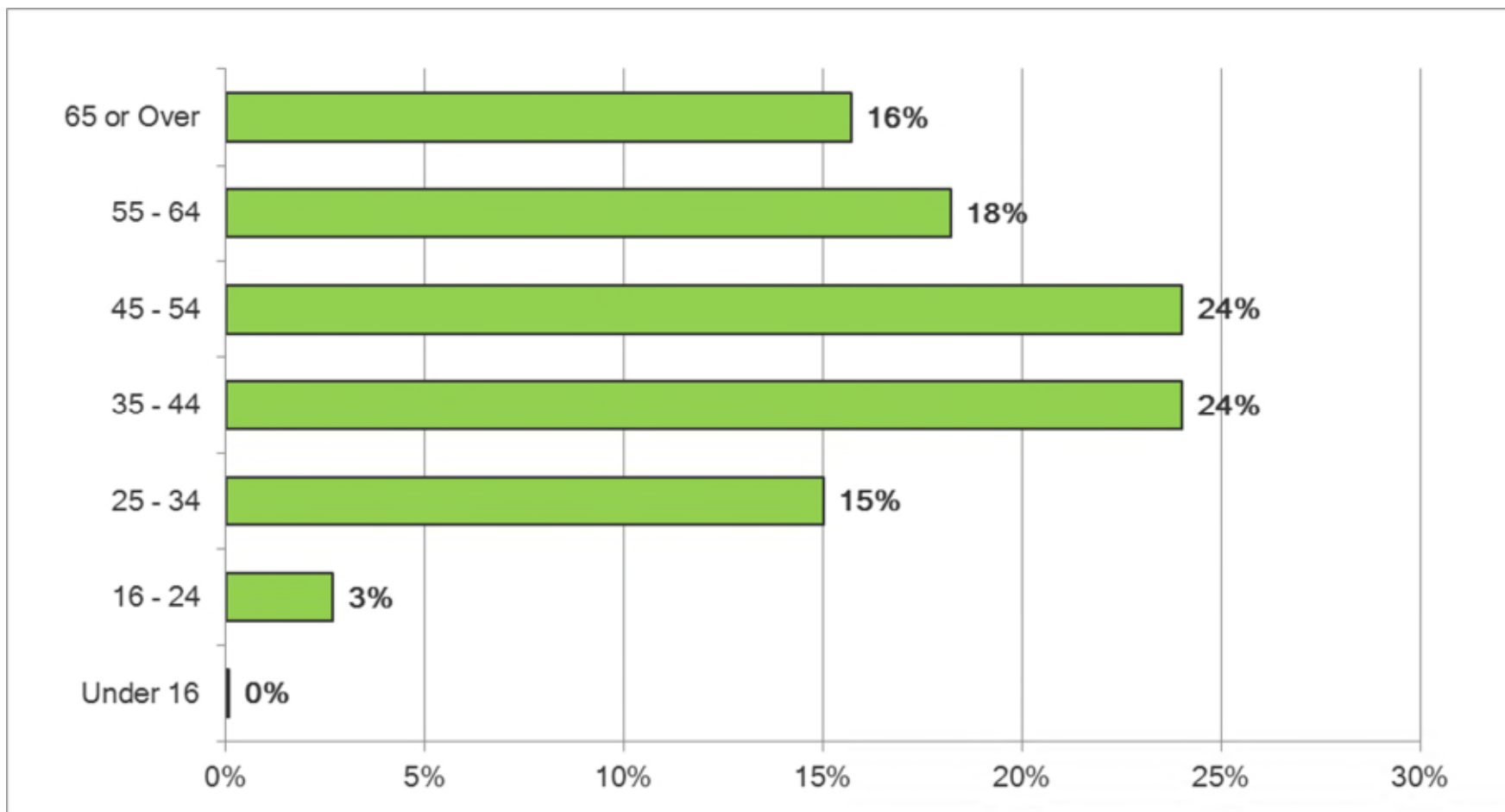
Food waste

- There was concern that food waste would end up in the brown residual waste bins if the service was stopped.
- There was support to stop a service that very few people are currently using.

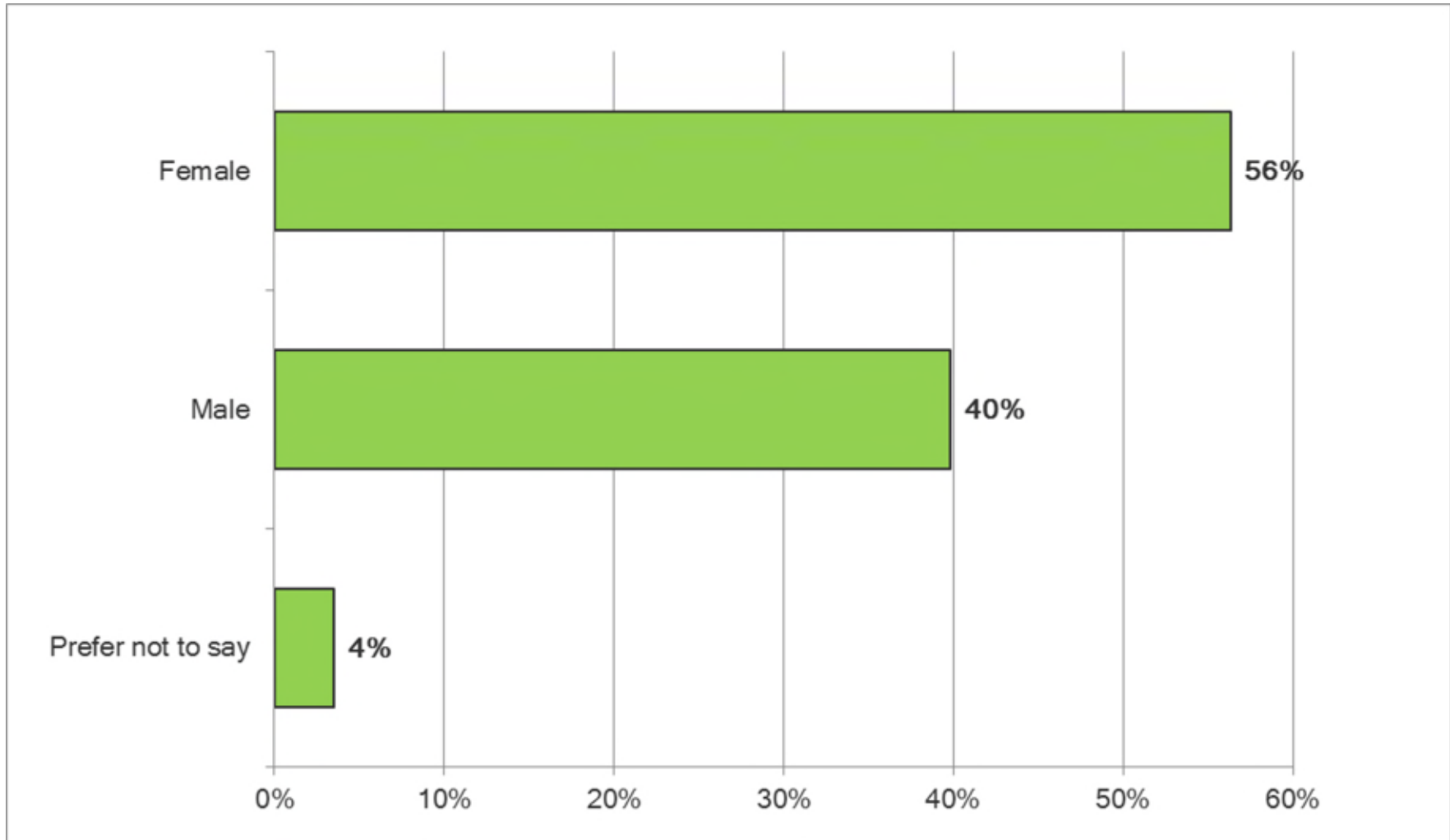
10.0 General comments unrelated to specific Budget Reductions and Income Generation proposals

10.1 To help the Council assess how its Equal Opportunities policy is working, we asked respondents, under no obligation, to provide information about themselves when completing the budget consultation booklet 'Delivering what matters with less' and the online survey. For illustrative statistical purposes only this information is shown graphically below.

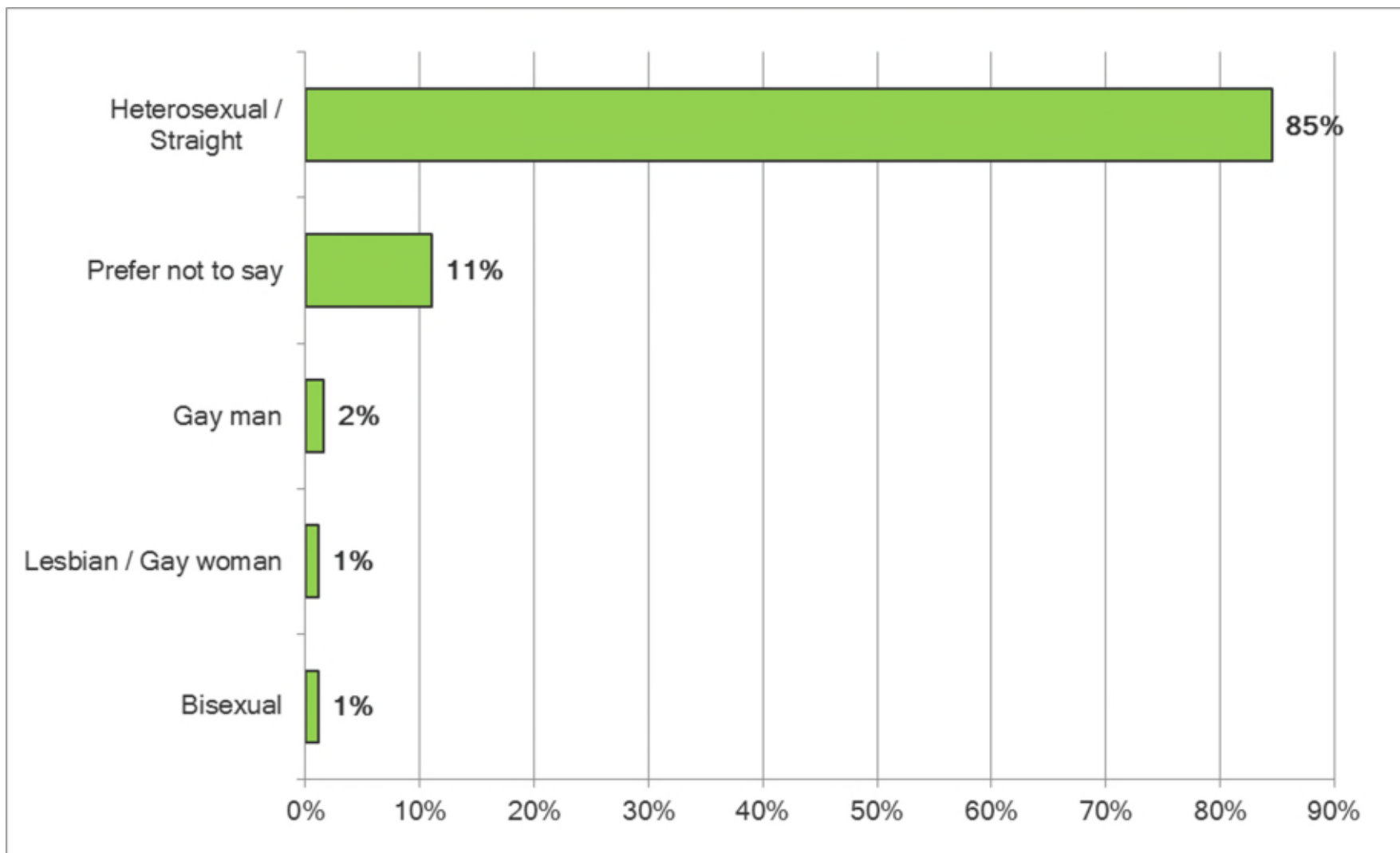
10.2 Respondents Age Group?



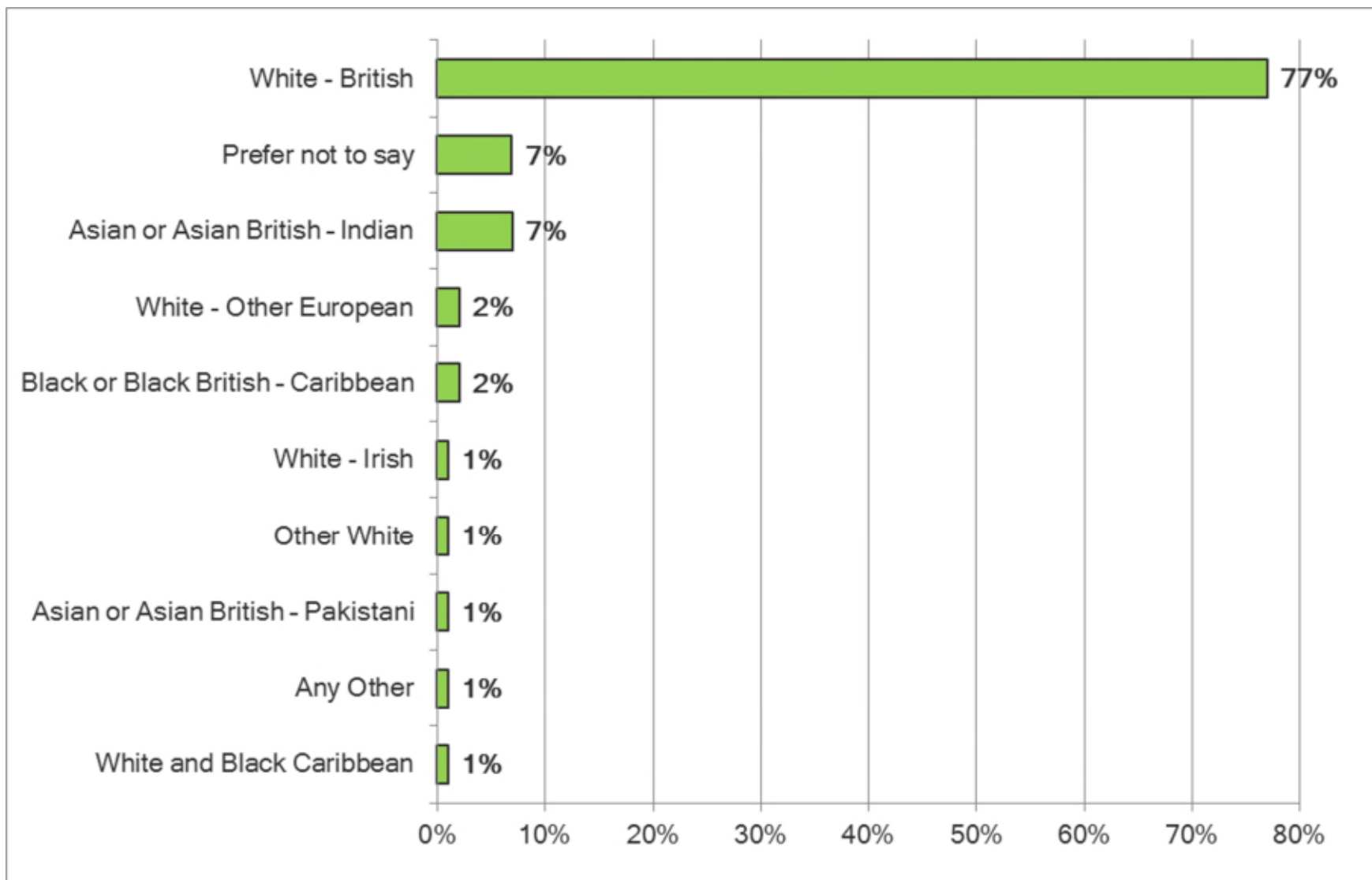
10.3 Respondents Gender?



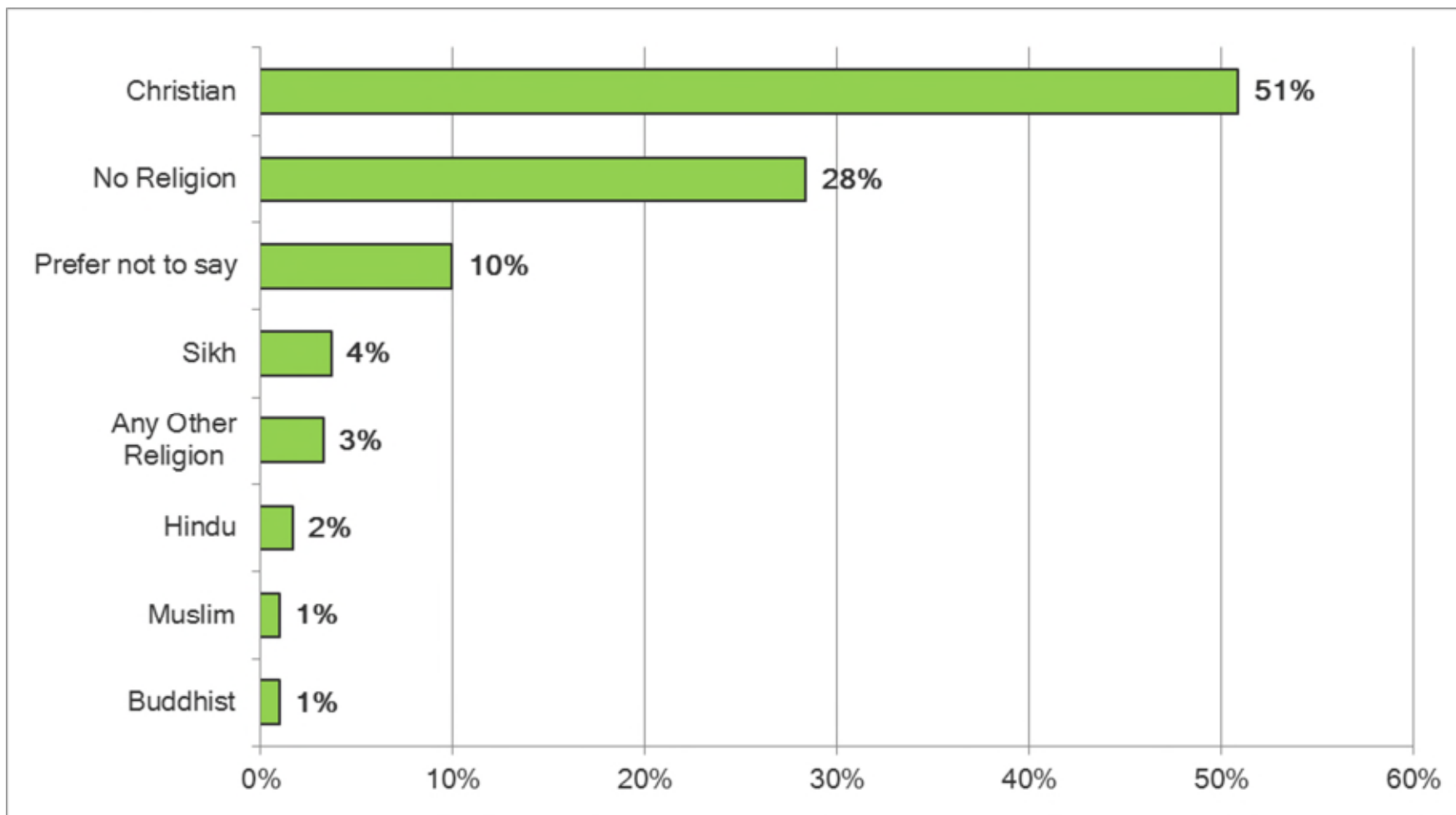
10.4 Respondents sexual orientation?



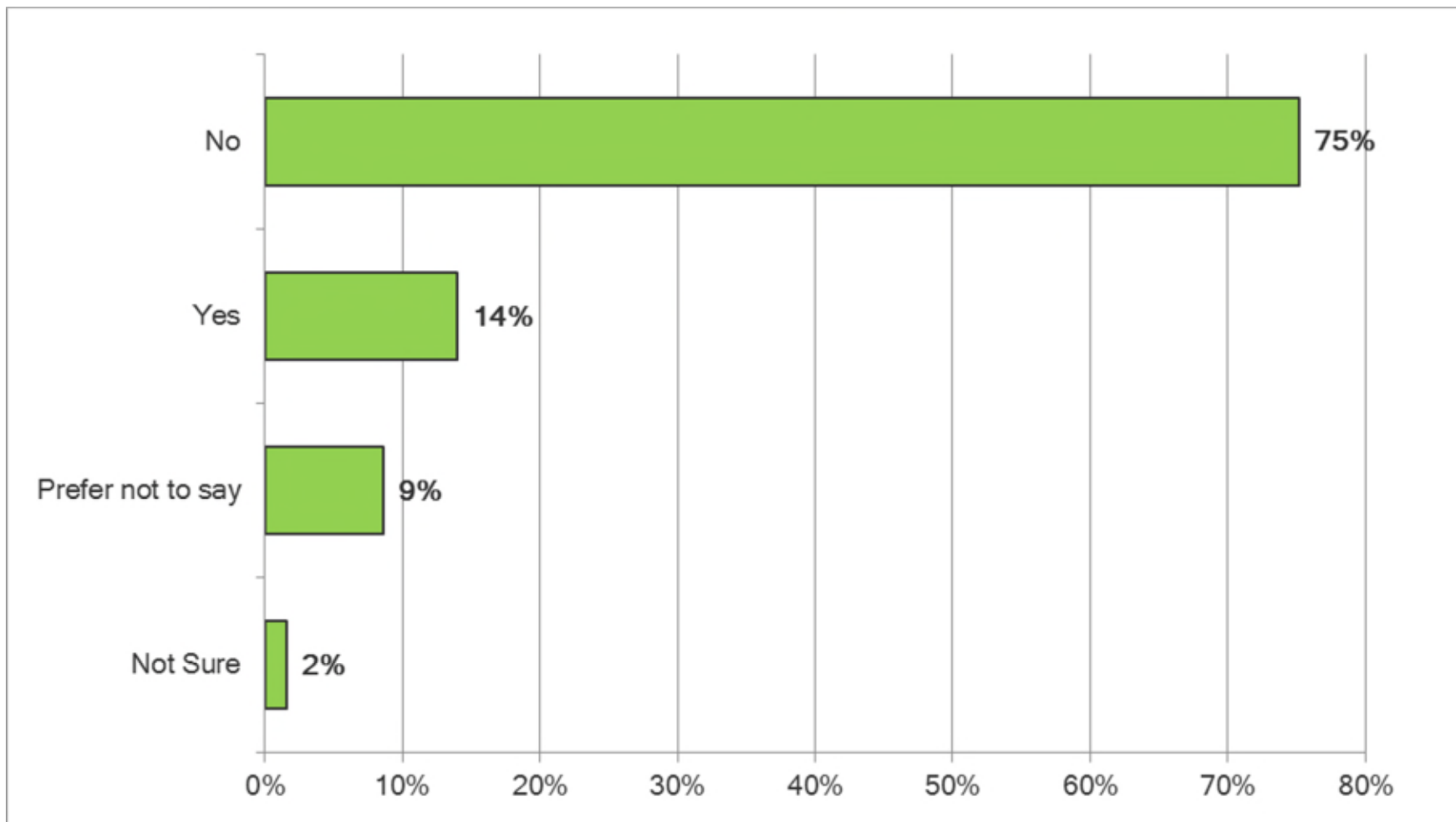
10.5 Respondents ethnic origin?



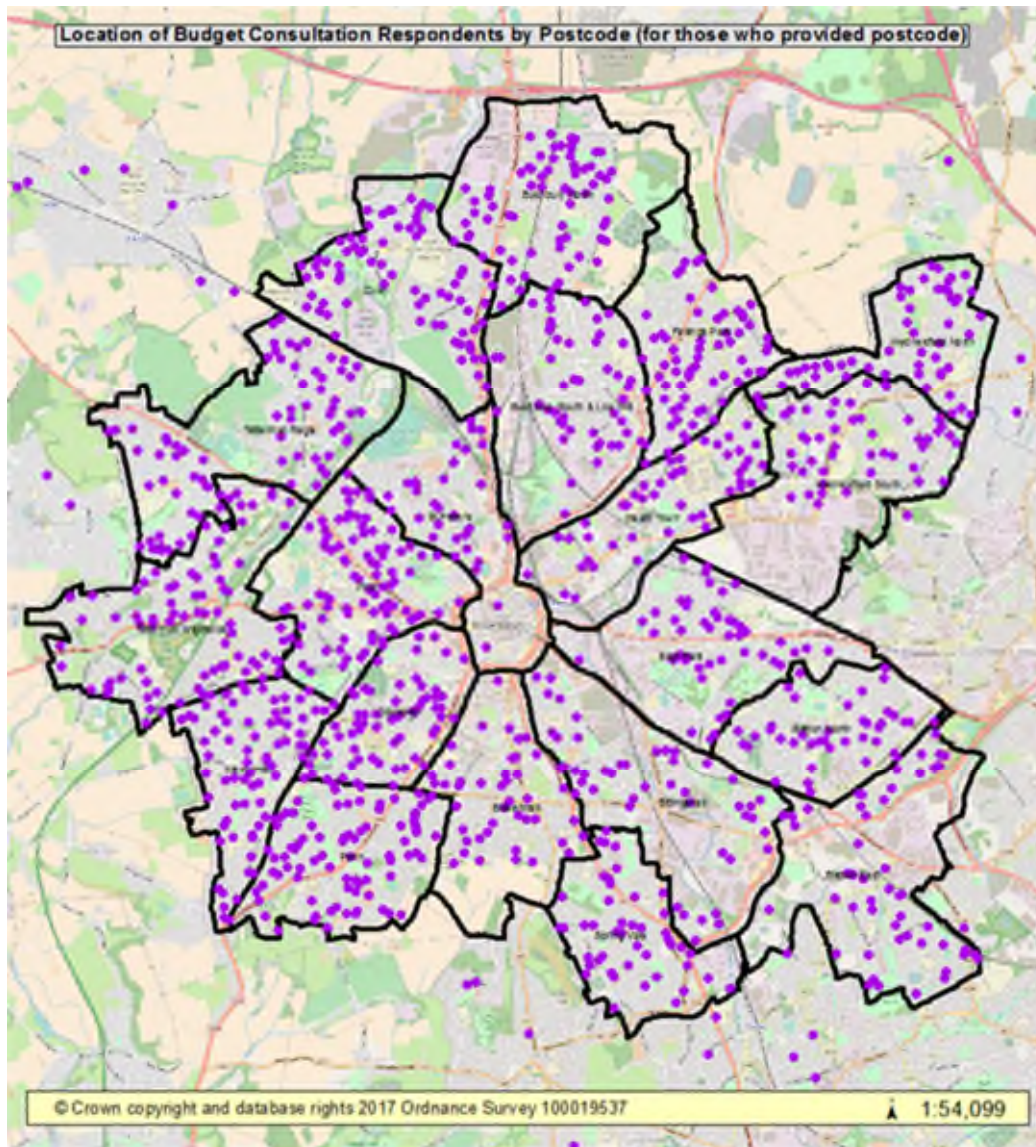
10.6 Respondents religion?



10.7 Do you have a disability which affects your day to day activities, which has lasted, or you expect to last, at least a year?



Location of Budget Consultation Respondents by Postcode



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Cabinet (Resources) Panel

7 February 2017

Report title	Discretionary Rate Relief – extension to the local scheme for charitable and voluntary organisations	
Decision designation	AMBER	
Cabinet member with lead responsibility	Councillor Andrew Johnson Resources	
Key decision	Yes	
In forward plan	Yes	
Wards affected	All	
Accountable director	Mark Taylor, Director of Finance	
Originating service	Revenues and Benefits	
Accountable employee(s)	Sue Martin Tel Email	Head of Revenues and Benefits 01902 554772 Sue.martin@wolverhampton.gov.uk
Report to be/has been considered by	None	

Recommendation(s) for action or decision:

The Cabinet (Resources) Panel is recommended to:

1. Approve the extension of the scheme for discretionary rate relief for charitable and voluntary organisations for 2017/18.

1.0 Purpose

- 1.1 To seek approval to extend the discretionary rate relief scheme (charitable and voluntary organisations) for 2017/18.

2.0 Background

- 2.1 Discretionary rate relief is granted under Section 47 of the Local Government Act 1988.
- 2.2 The local scheme consists of different categories of relief based on government guidance.
- 2.3 The existing scheme relating to charities and voluntary organisations was approved on 8 March 2016 and expires 31 March 2017 (see Appendix 1).

3.0 Local scheme for discretionary relief (charitable and voluntary organisations)

- 3.1 The existing scheme relating to charitable and voluntary organisations was last revised and updated by Cabinet (Resources) Panel on 26 June 2013 and is approved annually for the following financial year.
- 3.2 This category of relief provides either up to 20% of liability for registered charities (to top-up mandatory relief) or up to 100% of liability in the case of organisations that are not established or conducted for profit.
- 3.3 Relief for existing recipients is reviewed annually and awarded for the forthcoming financial year subject to there being no change in circumstances. Each organisation is required to certify that they continue to fulfil the conditions for relief to be granted.
- 3.4 The policy is based on government guidance and sets out clear eligibility criteria against which applications are assessed. Authority to approve awards is delegated to the Cabinet Member for Resources in consultation with the Head of Revenues and Benefits.
- 3.5 This report does not contain any proposal to revise eligibility under the scheme. It is recommended that approval be given to continue the scheme for 2017/18.
- 3.6 All organisations receiving an award will be given notice that the relief will end on 31 March 2018 and they will be notified of any new scheme developed to take effect from 1 April 2018.

4.0 Financial implications

- 4.1 From April 2013, with the localisation of business rates, all mandatory and discretionary reliefs are shared as a cost between central government (50%), the Council (49%) and the Fire Authority (1%). The Council collects business rates and receives an amount from the Collection Fund which is 49% of the net income after appeals and other losses incorporating an adjustment for mandatory and discretionary reliefs. Under this scheme it is estimated that the cost to the Council as a result of discretionary (charitable and voluntary organisations) relief in 2017/18 would be approximately £300,000.

4.2 However, in October 2016, Cabinet approved that the City of Wolverhampton Council, as one of the Constituent Members of the West Midlands Combined Authority, will participate in a business rates retention pilot from April 2017, on a no financial detriment basis. As a result of entering into this pilot, the Council will: retain 99% of business rates, no longer receive Revenue Support Grant and receive a Top Up Grant adjustment to account for the net effect of the changes. Therefore under the 99% business rate retention scheme, the cost to the Council of awarding discretionary (charitable and voluntary organisations) relief in 2017/18 will be in the region of £600,000 - £610,000.
[MH/27012017/D]

5.0 Legal implications

5.1 Section 47 of the Local Government Finance Act 1988 gives discretionary power to billing authorities to grant partial or full relief to certain categories of non-domestic ratepayer. The Non-Domestic Rating (Discretionary Relief) Regulations 1989 allow for this relief to be restricted to a fixed period.

5.2 It will be for the Council to ensure that any relief granted does not transgress state aid rules.
[TS/24012017/A]

6.0 Equalities implications

6.1 A full equality analysis has been completed which indicates that the Council's approach allows it to foster good relations and advance equal opportunities.

7.0 Environmental implications

7.1 There are no environmental implications.

8.0 Human resources implications

8.1 There are no human resources implications.

9.0 Corporate landlord implications

9.1 There are no corporate landlord implications.

10.0 Schedule of background papers

10.1 See 100% Business Rates Retention Pilot report at:
<http://wolverhampton.moderngov.co.uk/ieListDocuments.aspx?CId=130&MId=6448>

City of Wolverhampton Council

Scheme for Discretionary Rate Relief for Charitable and Voluntary Organisations

1. The following criteria are taken into account when considering applications for discretionary rate relief and each application will be treated on its merits. The criteria set out below are consistent with recommendations of the Department for Communities and Local Government and local authority associations.
 - 1.1. The organisation should ensure that membership is open to all sections of the community and membership rates/subscriptions should not be set at such a high level as to exclude the general community. The club should, if required, be able to demonstrate the criteria by which applications for membership are consistent with the principle of 'open membership' and in accordance with equal opportunities policies.
 - 1.2. Sympathetic consideration will be given to applications from groups who actively encourage membership from particularly disadvantaged groups in the community, e.g. young people or the disabled, elderly people and ethnic minorities.
 - 1.3. Sympathetic consideration will be given to organisations who make their facilities available to people other than members e.g. schools.
 - 1.4. Whether the organisation provide training for its members, particularly the young.
 - 1.5. Have the facilities available been provided by self-help or grants from other bodies? Self-help organisations may be considered more sympathetically for discretionary relief.
 - 1.6. Does the organisation provide facilities which indirectly relieve the Council of the need to do so or do the facilities complement those provided by the Council?

Local Criteria

2. In addition, the following local criteria have been adopted by the council:
 - 2.1. Generally no discretionary relief should be allowed to national charitable organisations - unless there are exceptional circumstances, *e.g. charitable animal welfare organisations providing local facilities.*
 - 2.2. Relief should not be given to sports or social clubs of industrial firms or other business organisations (assistance should be provided by the firm or organisation).
 - 2.3. Organisations who receive direct grant aid from the Council will receive maximum discretionary relief with a corresponding reduction in their grant, providing that this does not apply to schemes funded by the Government. However, in cases where the Government funding regime assumes that local relief is being granted, this will be given providing that all other criteria are met. Relief will not be granted where government funding is available to meet the liability.
 - 2.4. Generally the facility should be provided for the benefit of people living in the City.

- 2.5. The Council has generally agreed not to allow any relief where in its opinion the body is capable of supporting itself financially without the need for assistance from the Council in the form of discretionary rate relief.

Sports Clubs

3. The following additional criteria apply specifically for sports clubs:
 - 3.1. More than 50% of the members should be active playing members.
 - 3.2. Generally no relief should be allowed where a public admission fee is charged unless there are exceptional circumstances.
 - 3.3. Sympathetic consideration to be given to minority sports and where facilities are not provided by the Council.
 - 3.4. For those sports clubs that operate a bar, relief should not generally exceed 50% unless there are exceptional circumstances.
 - 3.5. Sympathetic consideration to be given to those organisations that are affiliated to local or national organisations with a view to developing their own interests and promoting Wolverhampton as a national or international venue.

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Cabinet (Resources) Panel

7 February 2017

Report title	TUC “Dying to Work” Campaign	
Decision designation	AMBER	
Cabinet member with lead responsibility	Cllr Milkinder Jaspal Governance	
Key decision	No	
In forward plan	No	
Wards affected	N/A	
Accountable director	Kevin O’Keefe, Director of Governance	
Originating service	Human Resources	
Accountable employee(s)	Denise Pearce Tel Email	Head of Human Resources 01902 554515 denise.pearce@wolverhampton.gov.uk
Report to be/has been considered by	Strategic Executive Board Joint Consultative Panel	25 October 2016 30 November 2016

Recommendation(s) for action or decision:

The Cabinet (Resources) Panel is recommended to:

1. Support the TUC Dying to Work Campaign and to sign the Dying to Work Charter.
2. Agree to the Cabinet Member for Governance, Cabinet Member for Public Health and Wellbeing and the Managing Director attending a public signing event.
3. Approve an amendment to the Management of Attendance Procedure to include a specific statement that employees who have sickness absence related to a diagnosed terminal illness will automatically have that absence “exempted” from the management of attendance thresholds.
4. Agree that all employees be notified of the commitment to the Dying to Work Campaign.

1.0 Purpose

- 1.1 Earlier this year, the TUC launched a campaign to urge organisations to support and help terminally ill employees by agreeing to sign up to a voluntary charter. The campaign is called 'Dying to work'.
- 1.2 In supporting the campaign the City of Wolverhampton Council will provide its employees with the security of work, peace of mind and the right to choose the best course of action for themselves and their families to help them through this challenging period with dignity and without undue financial loss.

2.0 Background

- 2.1 The campaign enables organisations to "sign up" to support workers who are diagnosed with terminal illnesses and is part of a wider TUC campaign which seeks to change the law to secure terminally ill workers a "protected period" where they cannot be dismissed as a result of their condition.
- 2.2 Current legislation contained within the Equality Act 2010, protects employees from discrimination in the workplace and specifies nine characteristics that are protected. Currently it is unlawful to discriminate against people on the grounds of:

- Age
- Disability
- Gender re-assignment
- Marriage and Civil Partnership
- Pregnancy and Maternity
- Race
- Religion and Belief
- Sex
- Sexual Orientation

The TUC's campaign is to encourage a review of the Equality Act 2010 to include 'Employees with terminal illnesses' to the above characteristics.

A terminal illness is a disease that cannot be cured or adequately treated and there is an expectation that the patient will die within a relative short period of time. Usually, but not always they are progressive diseases such as cancer or advanced heart disease.

UK Social Security legislation defines a terminal illness as "a progressive disease where death as a consequence of that disease can reasonably be expected within six months", however many patients can have a terminal illness and survive much longer than six months.

- 2.3 The charter includes the following commitments from employers:

- To recognise that employees with terminal illnesses require support and understanding, not additional stress and worry.

- To support terminally-ill employees following their diagnosis and to recognise that safe and reasonable work can maintain dignity and offer a valuable distraction.
- To provide employees with the security of work, peace of mind and the right to choose the best course of action for themselves and their families without undue financial loss.
- To support the TUC *Dying to Work* campaign so that all employees battling terminal illness have adequate employment protection and have their death in service benefits protected for the loved ones they leave behind.

3.0 Policy Summary

- 3.1 Employees who are absent from work due to short or long term sickness are currently managed through the Management of Attendance process. The City Council supports employees with terminal illness with sensitivity and compassion, although this has never been underpinned by a formal policy.

It is recommended that the Management of Attendance Policy is amended to include a specific statement that employees who have sickness absence related to a diagnosed terminal illness will automatically have that absence “exempted” from the management of attendance thresholds.

4.0 Financial implications

- 4.1 Once an employee is diagnosed as terminally ill they will be entitled to remain employed with the authority and have access to their full sick pay entitlement until they die in service or choose to leave on grounds of ill health. As is the case currently an employee who is a member of the West Midlands Pensions Fund they will be entitled to a lump-sum death grant of three times their final year’s pay if they die in service. Exempting terminally ill employees from management of attendance thresholds may result in longer periods of sickness absence than previously and additional costs from higher levels of accrued leave. It is anticipated, however, that this will happen in only a small number of cases and that associated costs will be met from existing service employee budgets. It is worth noting that since April 2014 twelve City of Wolverhampton Council employees have died in service, some of which may not have been the result of terminal illness.
[GE/23012017/A]

5.0 Legal implications

- 5.1 As the Equality Act does not currently recognise terminal illness itself as a protected characteristic they are no legal implications.
[TS/20012017/G]

6.0 Equalities implications

- 6.1 The ‘Dying to Work’ campaign will apply to all employees.

7.0 Environmental implications

7.1 There are no environmental implications as a consequence of this policy.

8.0 Human resources implications

8.1 Consultation has been undertaken in accordance with HR procedures. The policy supports best practice in employment / Human Resources procedures.

8.2 Terminally ill employees are currently managed through the 'Management of Attendance' policy and therefore if the authority agrees to support the 'Dying to Work' campaign the 'Management of Attendance' policy will need to be amended accordingly.

8.3 Human Resources will be responsible for ensuring that the City of Wolverhampton Council commitment to support the 'Dying to Work' campaign is communicated to all employees.

9.0 Corporate landlord implications

9.1 This report has no implications for the Council's property portfolio.

10.0 Schedule of background papers

10.1 TUC Dying to Work Negotiating Guidelines: Supporting Members with a Terminal illness
TUC Campaign Fact Sheet



DYING TO WORK

Negotiating guidelines: Supporting members with a terminal illness

Terminally ill employees

Many workers get a serious illness at some time in their working lives. They may require time off, often many months, to get treatment or recover. There is good guidance that has been produced by the TUC and others to deal with cases of long-term illness, or return to work for those who are disabled as a result of an illness or injury.

However, sometimes there is no effective treatment. In these cases the worker may face a time of huge emotional stress, fear and uncertainty. Trade unions can try to ensure that when that happens, they try to remove any additional stress and worry.

A terminal illness is a disease that cannot be cured or adequately treated and there is a reasonable expectation that the patient will die within a relatively short period of time. Usually, but not always, they are progressive diseases such as cancer or advanced heart disease.

UK Social Security legislation defines a terminal illness as: “a progressive disease where death as a consequence of that disease can reasonably be expected within 6 months”, however many patients can have a terminal illness and survive much longer than 6 months.

Implications of a terminal diagnosis.

Being told that you are to die as a result of a disease for which there is no cure or effective treatment and that you only have months, or at best a year or so to live is a traumatic event and everyone will react differently.

Sometimes the nature of the illness is such that the person is unlikely to be able to work again. In other cases, a person may decide that they do not want to work anymore and would rather spend their remaining time with their family and friends, getting their affairs in order, or simply doing what they want. However, a lot of workers with a terminal diagnosis decide that they want to continue working as long as they can, either because they need the financial security or because they find that their work can be a helpful distraction from their illness. Whichever choice a person makes, they should be able to expect help and support from their employer. Unfortunately the experience of many workers is that their employer is either unsympathetic or puts up barriers to them continuing in work.

If a worker with a terminal illness loses their job they lose their income. They can also lose any death in service payments they have earned through a life-time of work but are only payable to those that die while still in employment.



Case Study – Jacci’s story

The following is a real-life account of GMB member Jacci Woodcock who has been diagnosed with terminal breast cancer and her on-going case.

“Back in June 2012, I knew something was wrong. I went to the doctors and I got diagnosed with terminal breast cancer. I didn’t even take any days off until nearly a year later when I hit a wall of complete exhaustion.”

“People think the protection is there but I’m categorically saying it isn’t!”

“I visited my GP, he gave me a sick note for a couple of weeks and I sent this into work. At this point, it had never occurred to me that they wouldn’t support me.”

“When I returned to work, I asked to meet with HR. Over the course of the meeting she questioned my capability to do important aspects of my job, incorrectly claimed they had made adjustments for me and told me that the company had already been kind enough to pay my salary whilst I attended my hospital appointments. Finally, she told me that she had done a lot of research into the benefits I would be entitled to if I wasn’t in work.”

“For the first time, I began to feel anxious because I now understood that they were trying to get rid of me. I was upset but giving up was not an option. I thought this is not right, not fair and incredibly wrong! I feel strong and determined to use the time I have left to do my upmost to get the law changed to protect terminally ill people. People think the protection is there but I’m categorically saying it isn’t!”

Role of Unions

Unions should not wait until someone becomes ill before raising the issue with their employer. Instead they should seek to reach an agreement with their employer that they will provide their workers with the security of employment that will allow them to make the decisions they want to help get them through the challenges that they will face after a diagnosis of a terminal illness. This may involve changing existing sickness agreements, or asking for a formal commitment from the employer (see what employers can do).

Unions can also ensure that they support any members who do have a terminal diagnosis. The TUC have teamed up with Macmillan Cancer Support to provide training, both in formal courses and online, on supporting workers with cancer. Much of what is covered on the course applies to all terminal illnesses.

Unions should also make sure that they keep in touch with any members who have a terminal condition, so that they know they can come to the union if they have any problems relating to their work, even once they have left the workplace.

What employers should do?

Unions should be clear about what they want from their employer. Just getting a vague commitment is not enough. Union negotiators should seek agreement that their employer will:

- **Review sick pay and sickness absence procedures** and include a specific statement that they will not dismiss any person with a terminal diagnosis because of their condition.
- **Ensure that that they have an Employee Assistance Programme** that has the capacity and competency to provide support to any person with a terminal illness, including access to counselling and financial advice.
- **Provide training to line managers and all HR staff** on dealing with terminal illness, including how to discuss future plans with any worker who has a diagnosis of a terminal illness, and on what adaptations to work arrangements that may be necessary.
- **Adopt the “Dying to Work Charter”** and notify all employees that they have made the commitments contained in it (see box).

Model Charter



This charter sets out an agreed way in which 'Sample Company' employees will be supported, protected and guided throughout their employment, following a terminal diagnosis.

- We recognise that terminal illness requires support and understanding and not additional and avoidable stress and worry.
- Terminally ill workers will be secure in the knowledge that we will support them following their diagnosis and we recognise that, safe and reasonable work can help maintain dignity, offer a valuable distraction and can be therapeutic in itself.
- We will provide our employees with the security of work, peace of mind and the right to choose the best course of action for themselves and their families which helps them through this challenging period with dignity and without undue financial loss.
- We support the TUC's Dying to Work campaign so that all employees battling terminal illness have adequate employment protection and have their death in service benefits protected for the loved ones they leave behind.

Chief Executive of Sample Company

Further information

Dying to work campaign

<http://www.dyingtowork.co.uk>

Sickness absence and disability discrimination: A TUC negotiators guide

[https://www.tuc.org.uk/sites/default/files/tucfiles/sickness absence and disability discrimination feb2013.pdf](https://www.tuc.org.uk/sites/default/files/tucfiles/sickness%20absence%20and%20disability%20discrimination%20feb2013.pdf)

Working through Cancer, An employers Guide (Macmillan)

<http://www.macmillan.org.uk/Documents/GetInvolved/Campaigns/WorkingThroughCancer/WorkingThroughCancer2010/Workingthroughcancer2010.pdf>

UnionLearn courses

<https://www.unionlearn.org.uk/>

CAMPAIGN FACT SHEET



Why do terminally ill employees require additional employment protection?

1. Terminally ill employees often don't have the time to reskill or adapt to the 'reasonable adjustments' that could be put in place by an employer.
2. A terminally ill employee can be forced to undergo stressful HR procedures and risks losing the positive stimulation of work.
3. By losing their job they not only lose their income but also the dignity of dying in work.
4. Termination of their employment will mean the loss of death in service payments that the employee has planned for and earned through a life-time of work.

A growing issue?

1. As retirement ages are increasing and Cancer Research UK are projecting that 1 in 3 people will be diagnosed with cancer, more people will be receiving terminal diagnosis' during their working lives.
2. Currently 1 in 10 new cancer cases are found in people under 50 **(Over 33k cases a year)**.
3. An internal McMillan Survey showed that 37% of cancer patients 'experienced discrimination' on their return to work.

The campaign

The 'Dying to Work' campaign is calling for terminal illness to be made a 'protected characteristic'.

This would mean that all employees battling terminal illness would enter a protected period within which they could not be dismissed as a result of their condition.

Only 16%
of people would
oppose a change in
the law to protect
employees with
terminal illness*

*2013 poll conducted by IPSOS Mori

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Cabinet (Resources) Panel

7 February 2017

Report title	Transsexual, Transgender and Gender Reassignment Policy	
Decision designation	AMBER	
Cabinet member with lead responsibility	Cllr Milkinder Jaspal Governance	
Key decision	No	
In forward plan	No	
Wards affected	N/A	
Accountable director	Kevin O'Keefe, Director of Governance	
Originating service	Human Resources	
Accountable employee(s)	Denise Pearce Tel Email	Head of Human Resources 01902 554515 denise.pearce@wolverhampton.gov.uk
Report to be/has been considered by	Strategic Executive Board Joint Consultative Panel Equalities Advisory Group	3 May 2016 13 July and 16 December 2016 22 September 2016

Recommendation(s) for action or decision:

The Cabinet (Resources) Panel is recommended to:

1. Approve the introduction of a Transsexual, Transgender and Gender Reassignment Policy and Managers Guidance.

1.0 Purpose

- 1.1 To seek Cabinet (Resources) Panel support for the proposed Transsexual, Transgender and Gender Reassignment Policy and Managers Guidance to further support the Council's commitment to recruit, retain and develop employees from a wide range of backgrounds and ensure equality in employment practices.

2.0 Background

- 2.1 The Equalities Advisory Group identified to Human Resources a gap in policies and procedures regarding supporting employees through gender reassignment and the employment of a transsexual person.

3.0 Policy Summary

- 3.1 **Supporting an employee through the gender reassignment process** - suggested Action Plan to be agreed between employee and manager which include aspects such as; timescales of medical and surgical procedures, what the employees' new name and title will be, who should be informed and when and what amendments are required to HR / Payroll / IT records.

Managing medical appointments and sickness absence - in accordance with City of Wolverhampton Council's Management of Attendance Procedure.

Use of single sex facilities - to agree with employee the point at which the use of facilities such as toilets should change from one sex to the other.

Disclosure and Privacy - requirement to protect personal privacy and sensitive personal data.

Recruitment - City of Wolverhampton Council's commitment to ensuring potential employees are not subject to discrimination in the recruitment process.

Interviewing and selection -there is no obligation for a transsexual person to disclose status as a condition of employment.

References - managers must not disclose intentionally or unintentionally that a person has changed gender.

Records - City of Wolverhampton Council must ensure that all documents and employment records reflect the acquired gender.

4.0 Financial implications

- 4.1 There are no financial implications associated with the recommendation in this report.
[GE/23012017/W]

5.0 Legal implications

- 5.1 The policy takes into account requirements of employment legislation including the Equalities Act 2010.
[TS/19012017/E]

6.0 Equalities implications

- 6.1 Policy will support the City of Wolverhampton Council's commitment to eliminate discrimination and encourage diversity within the workforce. An Equality Impact Assessment has been completed.

7.0 Environmental implications

- 7.1 There are no environmental implications as a consequence of this policy.

8.0 Human resources implications

- 8.1 Consultation has been undertaken in accordance with HR procedures. The policy supports best practice in employment / Human Resources procedures.

9.0 Corporate landlord implications

- 9.1 This report has no implications for the Council's property portfolio.

10.0 Schedule of background papers

- 10.1 Transsexual, Transgender and Gender Reassignment Policy
Transsexual, Transgender and Gender Reassignment Managers Guidance

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CITY OF WOLVERHAMPTON COUNCIL

Human Resources Policy Framework

Transsexual, Transgender and Gender Reassignment Policy

Approved by:	
Published:	
Review date:	

CONSULTATION		
The following officer and or bodies have been consulted on this policy:		
Officers and or Bodies	From	To
SEB	03 May 2016	
HR		
EAG	22.09.2016	
The following Trade Unions have been consulted on the policy		
	From	To
Unison		
GMB	13.07.2016	16.12.2016
Unite		

REVIEW LOG			
Date	Version	Comments/Review	Approved by
01.04.2016	1.0	Draft	

ADVICE
Contact HR on 01902 552345 or email HR.supportdesk@wolverhampton.gov.uk for HR advice. Contact Occupational Health on 01902 554059

FEEDBACK
Contact HR on 01902 552345 or email HR.supportdesk@wolverhampton.gov.uk to provide feedback on this policy.

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Transsexual, Transgender and Gender Reassignment Policy

1.0 Policy Statement

- 1.1 City of Wolverhampton Council (the Council) is committed to recruiting, retaining and developing employees from a wide range of backgrounds and of the highest calibre by applying principles of fairness, consistency and equality in recruitment and employment practices and systems.
- 1.2 The Council believes that transsexual and transgender employees must be treated with dignity and respect, and be permitted to perform their jobs free from harassment and discrimination.
- 1.3 This policy incorporates the legislative responsibilities under the Equality Act 2010, the Human Rights Act 1998, the Data Protection Act 1998 and the Gender Recognition Act 2004.
- 1.4 Breaches of this policy will be dealt with under the Council's Disciplinary Procedures and/or Grievance Procedures. Allegations of bullying, harassment and discrimination will be considered gross misconduct and may result in a dismissal.
- 1.5 Under the Gender Recognition Act 2004, it is a criminal offence for a person to disclose protected information acquired in an official capacity about the gender history of the holder of a Gender Recognition Certificate without the transgender person's consent (refer to section 5.4 for more information).
- 1.6 Managers and employees should also familiarise themselves with the Transsexual, Transgender and Gender Reassignment – Guidance Notes for further information.

2.0 Principles

- 2.1 The policy aims to:
 - Inform good practice in relation to managing transgender equality issues in employment.
 - Support employees who are proposing to undergo, are undergoing or have undergone a process (or part of a process) for the purposes of reassigning their gender (transitioning).
 - Ensure that employees feel safe about being open about their gender identity.
 - Ensure confidentiality in relation to an applicant's or an employee's previous gender.

3.0 Scope

- 3.1 This policy and procedure applies to all employees of the Council including the Senior Managers and Managing Director.

- 3.2 It excludes NJC employees and Teachers employed by Governing Bodies who are covered by Schools HR Policies. Policies adopted by the City Council may, following discussion with relevant trades unions, also be recommended as good practice models for adoption by maintained school governing bodies.

4.0 Terminology

- 4.1 Terminology is not fixed, however a glossary is provided at the end of the document to assist understanding of commonly used phrases, based on guidance from EHRC & the Home Office. You may find it useful to read this first if you are not acquainted with the language relating to trans issues. This document refers to 'transgender' as an umbrella phrase to describe all those whose gender identity and/or gender expression is not completely congruent with their birth sex.
- 4.2 However, in relation to gender reassignment as defined by the Equality Act 2010 we reflect the legal use of the term 'transsexual' to define a person who is proposing to undergo, undergoing or has undergone gender reassignment.

5.0 Legislation

5.1 Equality Act 2010

Gender reassignment is a characteristic that provides people with legal protection from direct discrimination, indirect discrimination, harassment, discrimination based on perception (e.g. a person is perceived to have reassigned gender), victimisation and discrimination based on association (e.g. partner, parent, sibling or friend of a transsexual person).

The protected characteristic of gender reassignment applies to a person who is proposing to undergo, is undergoing or has undergone a process to change their gender role and presentation (also referred to as transition). A person is legally covered from the point of 'proposal' – the person can stop the process and not lose legal protection.

This also means that to qualify for protection from direct and indirect discrimination on grounds of gender reassignment a transsexual person no longer has to show that they are under medical supervision.

The decision to live and dress permanently as a person of the opposite sex is determined to be reassigning gender.

Section 16 of the Act protects people undergoing gender reassignment from discrimination due to absence from work. It confirms that absence from work because of gender reassignment should be treated no less favourably than absence because of sickness, injury or any other reason.

This allows employers to treat gender reassignment absence differently from, but no less favourably than, sickness absence and can remove substantial disadvantage that would otherwise be experienced by trans people.

Victimisation occurs when an employee is treated less favourably because he or she has made a complaint under the Act. This does not require a comparator.

The Public Sector Equality Duty (the General Duty) came into force on 05 April 2011. The General Duty requires public bodies to consider the needs of all individuals in their day to day work, in developing policy, in delivering services, and in relation to their own employees.

The General Duty requires the Council to have 'due regard' to the need to:

- Eliminate unlawful discrimination, harassment, victimisation and any other conduct prohibited by the Act.
- Advance equality of opportunity between persons who share a relevant protected characteristic and those who don't share it (with the exception of marriage and civil partnership).
- Foster good relations between persons who share a relevant protected characteristic and those who don't share it.

5.2 Data Protection Act 1998

Under this legislation, data relating to an individual's gender reassignment (which includes a change of gender status and name) is classed as 'sensitive information', and therefore attracts a higher degree of protection than usual, especially when a Gender Recognition Certificate is held (see Gender Recognition Act below).

5.3 Human Rights Act 1998

Article 8 Right to Privacy of this Act includes the right for information regarding change of gender to remain private and for transgender people and those associated with them to be treated with respect and dignity. Article 3 is an absolute right not to be subjected to degrading treatment.

5.4 Gender Recognition Act 2004

This legislation provided for the Gender Recognition Certificate (GRC), the opportunity for a person who has transitioned to acquire a new 'birth' certificate for their new gender status (for those whose birth was registered in the UK).

It is not possible to hold a GRC until two years 'post transition' and even then valid reasons exist for some transgender people not to apply for legal recognition in their affirmed gender. For example, they may be married or in a civil partnership. If so, the applicant's spouse must consent to the marriage or civil partnership continuing after the issue of a full GRC. If the spouse does not provide consent, an interim GRC may be issued for 6 months, during which time, if consent is still not granted, an application for annulment must be made.

The Act also created a criminal offence of unauthorised disclosure. Essentially, it is an offence for a person to disclose information acquired in an official capacity about the gender history of the holder of a GRC to a third party without the transgender person's consent, as this is 'protected information'.

There are only a few exceptions where it is not an offence to disclose protected information relating to a person, including:

- If the information does not enable the person to be identified.
- If that person has agreed to the disclosure of information.
- If the disclosure is in accordance with an order of a court or tribunal.
- If the disclosure is for the purpose of instituting, or otherwise for the purposes of, proceedings before a court or tribunal.
- If the disclosure is for the purpose of preventing or investigating crime.
- If the disclosure is made for the purposes of the social security system or a pension scheme.

6.0 Supporting employees through the gender reassignment process

- 6.1 In order to support and manage successfully a person's gender transition, it is essential that the individual is consulted and involved in discussions regarding how the process should be handled. A formal written understanding should be agreed between the individual and their Manager, or a suitable responsible officer, in the form of an action plan.
- 6.2 Appendix 1 outlines the types of issues that should be considered. This action plan should set out adjustments and arrangements to support the employee during and after the transition and include mechanisms for discussing issues relating to their transition in connection with their role and work environment.

6.3 Appointments and time off work;

Employees undergoing medical and surgical procedures related to gender reassignment may require time off from work.

Any absences relating to operations or treatment will be regarded as sickness absence and the Management of Attendance Procedure will apply as normal.

When the individual is absent for treatment or surgery, sick pay entitlements will apply.

For individual appointments employees should follow the normal policy for medical appointments. As a matter of good practice, managers should offer flexibility to individuals to take annual leave or rearrange working hours in order to attend additional appointments, for example, electrolysis and speech/voice therapy.

Managers should remember that it would constitute unlawful discrimination if they treat an individual undergoing gender reassignment less favourably than someone who is absent for some other medical reason.

7.0 Long Term Sickness

- 7.1 Complications may arise as a result of medical treatment for gender reassignment resulting in prolonged incapacity from work. As with any other long-term illness, the individual will be supported and monitored by the manager with advice from Occupational health and Human Resources. If incapacity continues the absence will be monitored and dealt with in line with the Council's Management of Attendance Policy.

8.0 Use of single sex facilities

- 8.1 Trans people (like everyone else in Britain) can use toilets or changing facilities appropriate to their gender presentation with or without a Gender Recognition Certificate Part of the discussion process with the individual undergoing reassignment will be to agree the point at which the use of facilities such as toilets should change from one sex to the other. This may be the point at which the employee starts to present in the acquired gender at work.
- 8.2 The employee should not be required to use a disabled toilet as an alternative to single-sex facilities, but should be allowed to do so if this is their preference.

9.0 Disclosure

- 9.1 It should be agreed between the individual and their manager, or suitable responsible officer, as to who will take responsibility for informing whoever needs to know. If the individual going through the process would prefer to do this, the manager or responsible officer will need to know when the disclosure is to take place and in what detail, so that they can provide appropriate support.
- 9.2 Managers and others i.e. Human Resources, Occupational Health, who know of the gender reassignment should not inform anyone that the individual is intending to undergo, or is undergoing gender reassignment, without the individual's explicit agreement.
- 9.3 If an individual is in possession of a gender recognition certificate, it is a criminal offence to disclose their gender recognition, without their consent (refer to section 5.4 for more information).
- 9.4 At the point of change of gender role, a transsexual person may choose to take a short time off work and return in their new name and gender role. This is often used as an opportunity to brief others, the detail of which needs to be agreed between the manager or responsible officer and the employee.
- 9.5 The agreed statement should include the agreed date when the person intends to change their gender role. All personnel records must be updated for the transition. The Council will create new records rather than amend old ones, to ensure confidentiality. All data protection principles must be adhered to.

10.0 Recruitment

- 10.1 The Council is committed to the employment, development and promotion of all, regardless of sex, marital status, colour, race, nationality, ethnic/racial/national origins, religious beliefs, disability, age, sexual orientation or gender identity. As such the Council is committed to ensuring potential employees are not discriminated against in the recruitment process.

10.2 A job applicant's gender identity is irrelevant to the recruitment process, except in exceptional circumstances where a genuine occupational requirement applies to a job. This requirement must be made clear in the recruitment material.

10.3 **Interviewing and Selection**

There is no obligation for a transsexual person to disclose their gender history and/or identity as a condition of employment. If they choose to disclose, this is not in itself a reason for not offering employment. Moreover, no-disclosure, or subsequent disclosure, is not grounds for dismissal.

10.4 **References**

When a manager is asked for a reference for a transsexual person, they must provide it, without disclosing that the person has had a change of gender.

If documents are requested in the individual's original name, such as copies of essential qualifications, Human Resources should discuss with the individual concerned how to retain such evidence on file so as not to compromise or breach disclosure of protected information.

11.0 **Records**

11.1 All documentation revealing an individual's previous gender status must be specially protected.

11.2 The Council will ensure that all documents and employment details reflect the acquired gender of the person. This will prevent breach of confidentiality.

11.3 Any records of an individual which may disclose a previous gender history and/or identity must not be contained openly within a personnel file, physical or electronic. Documents retained on an individual's personnel file will be replaced with documents in the new name and gender where possible.

11.4 Some records may need to make reference to birth sex such as pensions, security vetting, qualification certificates and any medical records. However once a person has obtained a GRC these can be replaced.

11.5 **Access to records**

Access to this information must be restricted to only those who require this information to carry out the duties of their role. For example, access to records associated with the individual's transitioning status (such as records of absence for medical treatment) should be restricted to relevant persons such as the employee's manager and Human Resources.

12.0 Roles and Responsibilities

12.1 Employees are required to:

- Participate in discussions with a manager or suitable responsible person to agree how the transition process should be handled and communicated.
- Agree a formal written understanding in the form of an action plan (refer to Appendix 1).
- Follow the stated procedures when requiring time off for medical or other treatment, or if reporting sickness absence, in line with the Management of Attendance Policy and Leave Policy.
- Co-operate fully with the management process and the occupational health services provided by the Council.

12.2 Managers or suitable Responsible Officers are required to:

- Consult with and involve the employee in discussions regarding how the transition process should be handled and communicated.
- Agree a formal written understanding in the form of an action plan (refer to Appendix 1).
- Take responsibility for referring the employee to Occupation Health at an appropriate time, if necessary.

12.3 Service Directors and Heads of Service are required to:

- Ensure that their employees and managers are aware of their individual responsibilities in relation to this policy.

12.4 Human Resources are required to:

- Provide support and guidance to managers to ensure consistent understanding and implementation of this policy.
- Ensure the communication, maintenance, regular review and updating of this policy.
- Monitor and review the HR effectiveness of this policy.

12.5 Occupational Health's role is to:

- Give impartial medical advice to both managers and employees.
- Provide managers and employees with support on any health related issues that impact on the workplace.
- Be the referral point for providing and / or gaining clinical viewpoints.
- Assist the organisation in supporting its employees whilst continuing to meet its business objectives.

12.6 The Head of HR

In consultation with the recognised Trade Unions, the Head of HR will exercise delegated authority for and be responsible for the ongoing review and updating of this policy to ensure compliance with changes in statutory requirements and operational delivery, including responsibility for identifying the appropriate

process for the regular evaluation of the effectiveness of this policy. Any fundamental changes to this Policy will be brought before the Resources Panel for approval.

13.0 Related Documents

Data Protection Policy
Data Protection Act
Disciplinary Policy
Bullying and Harassment (Dignity at Work) Policy
Employee Code of Conduct
Equality in Employment Statement
Grievance Procedure
Leave Policy
Management of Attendance Policy and Procedure
Management of Attendance – Managers Guidance
Transsexual, Transgender and Gender Reassignment – Guidance notes

APPENDIX 1

Example of Action Plan to support employee

This action plan outlines the types of issues that should be considered when supporting an employee who is transitioning gender.

Does the employee feel comfortable continuing in their current role? Are there any temporary or permanent changes to the role which could be considered to support the employee? For example, could redeployment be accommodated on a temporary or permanent basis?
What is the expected timescale of the medical and surgical procedures, if known?
Is any time off required for medical treatment? If so how will this be managed?
What will the employee's new title and name be?
When do they wish to start using this name and title? Will there be any phasing?
When do they wish to start dressing and presenting as their acquired gender? Again will this be phased? (This may not necessarily be the same date as above).
When do they wish to start working as their acquired gender? Consider in particular single sex working requirements.
Who needs to be informed of the transition?
When and how should colleagues be informed of the transition? Who will perform this task? Is there any education material which could be used?

Are there any dress codes which need to be considered? (Do new uniforms need to be ordered?)
When does the employee wish to use toilet and changing facilities appropriate to their acquired gender? Please note - accessible (disabled) toilets should not be suggested as an alternative.
When, how and which HR / Payroll / IT Records and or systems will need amending?
If any bullying, harassment or hostile reaction occurs how will it be dealt with?
Other Actions Agreed
Is any further support required?

Date of next meeting: _____

Signature _____
(Manager)

Date _____

Signature _____
(Employee)

Date _____

APPENDIX 2

Glossary

Cross-dresser

Most people who are cross dressers do not experience any discomfort with their gender identity and do not wish to transition their gender role. Nor do they usually seek modification of their bodies. The term 'transvestite' is associated with cross dressing, though some cross dressers would not identify as such and the term is not commonly used.

Under the Equality Act 2010, legal protection is given to someone who is cross-dressing as part of the process of reassigning their gender (transitioning) or to someone who is perceived to be transgender due to being cross-dressed.

Gender

Gender consists of two related aspects; the person's internal perception of who they are is the 'gender identity'; the way the person behaves and lives in society and interacts with others is the gender role or expression. Most people in the general population are cisgender, in other words their perception of themselves is congruent with their sex appearance and their gender role.

Gender reassignment

Under the Equality Act 2010, a person has the protected characteristic of gender reassignment if they are proposing to undergo, are undergoing or have undergone a process (or part of a process) for the purpose of reassigning their sex by changing physiological or other attributes of sex. This is a personal process that may involve medical interventions such as counselling, psychotherapy, hormone therapy or surgery, but does not have to. In this guidance, gender reassignment is used to describe the process of change and gender transition to describe the time when the gender role is changed.

Gender Dysphoria (GD) / Gender Variance / Gender nonconforming

Dressing or behaving in a way that is perceived by others as being outside cultural gender norms may be described as gender variance or gender nonconformity. Gender dysphoria describes the persistent personal discomfort that occurs when the physical sex does not match the gender identity. The social role is also expected to conform to the sex appearance, so this too feels uncomfortable for the individual concerned. (The term 'gender identity disorder' is considered pathologising and is gradually disappearing from the vocabulary). It should be noted that these refer to all cases whether or not surgery is actively sought.

Gender Recognition Certificate (GRC)

The Gender Recognition Act 2004 provided for the legal recognition of the trans person in their 'acquired', i.e. affirmed, gender and the opportunity to acquire a new 'birth' certificate for their new gender. This is called a Gender Recognition Certificate and replaces the original birth certificate in all official documentation. Those in existing

marriages or civil partnerships are currently obliged to annul them – an Interim GRC is issued for 6 months during which time the annulment application must be made.

Gender Reassignment Surgery (GRS)

An individual must live continuously in the gender role that is congruent with the gender identity for 12 months before undergoing genital surgery. Separate opinions from two clinicians are required for referral for genital reassignment surgery. Some other procedures, such as chest surgery, may be undertaken before this stage, according to the needs of the individual undergoing reassignment.

Surgery is not obligatory to reassign gender and, for some, the risks will be outweighed by the potential benefits.

Affirmed Gender

This refers to the post-transition gender role of a person who has undergone gender reassignment. Those who have transitioned to the affirmed gender role, and who have a GRC, have 'acquired' a new gender status. It is possible for an individual to transition fully to the affirmed gender without surgical intervention.

Hormone treatment

Typically, hormone medication has a very positive effect on a transgender person's wellbeing. Currently, within several NHS Gender Identity Clinics, hormone treatment is not prescribed until the psychiatrists are confident about the person's condition of gender dysphoria. The time taken to complete this assessment process can range between three months and five years after the second consultation. However, it is no longer contingent upon a change of gender role. Some hormone treatment medication can have serious consequences for the person's health and must be regularly monitored by a GP. Once hormone treatment starts, any physical changes may take a while. However, these changes may be painful and uncomfortable. Any changes in this treatment may also have an impact. Depression and other emotional difficulties may manifest during this initial treatment phase. Problems may also occur should medication be withheld at any time or for any reason. Regular blood tests are undertaken and appointments with an endocrinologist may be required.

Physical sex

This is simply the sex with which the body organs, particularly genitalia, were associated with and registered at birth. In most of the population the sex appearance is clearly male or female. However 'intersex' conditions occur in about 1% of the population, some of which give rise to ambiguous genitalia and therefore may be wrongly described on the birth certificate. This may cause a mismatch between the individual's gender identity and gender role, therefore later adjustment, in the same way as for trans people, may be necessary. (The term Disorders of Sex Development has recently been introduced but is unpopular with the population affected).

Sexuality

One of the most common misconceptions about gender dysphoric people is that this is the same as being gay, lesbian or bisexual. Sexual orientation is separate and unrelated to gender dysphoria. The sexual orientation of gender dysphoric people may be heterosexual, gay, lesbian, bisexual or asexual.

Transsexual

An adjective that describes people whose sex, as registered at birth, is not congruent with their gender identity. Usually people respond to their discomfort by undergoing a personal process of gender reassignment to bring their outside characteristics and their gender expression, in line with their gender identity. The word transsexual is not often used by people who may be so described, because they prefer the terms 'trans' or 'transgender'. Those that have completed the process may regard themselves as man or woman, having resolved the conflict between their gender identity and gender expression.

This term is also used by the Equality Act 2010 to define people who fall within the definition of those people with the protected characteristic of gender reassignment.

Transgender (often abbreviated to 'trans')

This is often used as an 'umbrella term' to include all people who experience gender dysphoria and express this in some way. Transgender includes transsexual people but it is much wider to embrace a wide variety of gender expression, including those who have no intention of permanently changing gender role and may use a variety of self-descriptions, such as poly-gender, pan gender, gender queer. A few do not identify as either men or women and are non-gender.

Trans Man

A trans man is a person who was registered female at birth, but who identifies as a man.

Trans Woman

A trans woman is a person who was registered male at birth, but who identifies as a woman.

Source: Based on guidance from EHRC and the Home Office/a:gender the workplace and gender guide

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Human Resources Policy Framework

**Transsexual, Transgender and Gender Reassignment
Guidance Notes**

Version	1.0
Published	April 2016
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Manager's Guidance

These guidance notes have been developed to assist managers when supporting employees through the Gender Reassignment process in the workplace. The guidance is to support the application of the Council's policy and procedure on Transsexual, Transgender and Gender Reassignment and is not intended as a substitute for following the policy and procedure. The guidance is based on best practice and recent developments in employment case law; it does not form part of the Council's Transsexual, Transgender and Gender Reassignment policy and procedure.

The information contained within this document includes detailed guidance on the 'how to' with reference to other resources that can assist when dealing with Transsexual, Transgender and Gender Reassignment and issues, and check lists for managers.

For further information, please contact HR on (01902) 552345 or email HR.supportdesk@wolverhampton.gov.uk

Managers' Guidance

Managing Transsexual, Transgender and Gender Reassignment issues in the Workplace

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Transsexual, Transgender and Gender Reassignment

1.0 Introduction

- 1.1 The purpose of this guidance is to inform policy and practice development as well as providing employees of City of Wolverhampton Council with good practice information in relation to managing transgender equality issues in employment.
- 1.2 These guidance notes are to be used in conjunction with the Council's Transsexual, Transgender and Gender Reassignment Policy. These notes give more information for managers and employees when an employee is going through gender reassignment.
- 1.3 It is about making sure that people feel safe about being open about their gender identity.
- 1.4 It includes the legislative responsibilities under the Equality Act 2010, the Human Rights Act 1998, the Data Protection Act 1998 and the Gender Recognition Act 2004.
- 1.5 Managers will need to make sure that support and guidance is given to all employees to help understand any issues that may occur if a person is going through the gender reassignment process.
- 1.6 Terminology is not fixed, however a glossary is provided at the end of the document to assist understanding of commonly used phrases, based on guidance from EHRC & Home Office/a:gender the workplace and gender guide. You may find it useful to read this first if you are not acquainted with the language relating to trans issues. This document refers to 'transgender' as an umbrella phrase to describe all those whose gender identity and/or gender expression is not completely congruent with their birth sex.
- 1.7 However, in relation to gender reassignment as defined by the Equality Act 2010 we reflect the legal use of the term 'transsexual' to define a person who is proposing to undergo, undergoing or has undergone gender reassignment.

2.0 Terminology

- 2.1 As outlined within the policy, terminology is not fixed, however a glossary is provided at the end of the document to assist understanding of commonly used phrases, based on guidance from EHRC & Home Office/a: gender the workplace and gender guide. You may find it useful to read this first if you are not acquainted with the language relating to trans issues. This document refers to 'transgender' as an umbrella phrase to describe all those whose gender identity and/or gender expression is not completely congruent with their birth sex. We also reflect the legal use of the term 'transsexual' to define a person who is proposing to undergo, undergoing or has undergone gender reassignment.

3.0 Privacy

- 3.1 Once an employee has raised the intention to change gender role, they are protected from discrimination by the Equality Act 2010. This Act makes it unlawful to treat someone less favourably than other people in relation to employment on grounds that they propose to, have started or have completed a process to change their gender.
- 3.2 Respect for privacy and a freedom from workplace gossip, including unnecessary broadcasting of their personal circumstances, is a right. Most transsexual people wish to keep their transsexual status as private as possible, even though others may be willing to discuss it either confidentially or openly.
- 3.3 It is important that no one breaches the personal privacy of employees, recognising that the right to disclose or discuss their medical history is the prerogative of the individual. When an employee has changed gender, it is essential that other people respect this. Reference to a person by their previous name or gender will reveal the status of the person which constitutes a breach of confidentiality and could be viewed as harassment.

4.0 Disclosure

- 4.1 A person may be appointed who changed gender before commencing employment. They are not required to declare that they have changed gender and any suggestion that a person is not being open and honest is unreasonable.
- 4.2 Some may choose to declare their gender history and in doing so that information becomes protected. That information cannot be shared with anyone else without the consent of the individual. To do so would be a breach of policy, legislation and the Council's disciplinary procedures.

5.0 Agreeing a process

- 5.1 Successful support and management of an employee's gender reassignment transition depends crucially on taking account of the individual's views on how to proceed. Sensitive and considered discussions can identify and resolve potential areas of difficulty and conflict before they arise. It is therefore important at an early stage to agree a process. (A suggested action plan can be found at Appendix 1 of the Policy).

This action plan outlines the types of issues that should be considered and identify arrangements to support the employee during and after the transition and include mechanisms for discussing issues relating to their transition in connection with their role and work environment.

Key elements include: -

- the anticipated point in time of change of name, personal details and social gender;
- whether the employee wishes to stay in their current post or whether redeployment should be considered, if it can be accommodated, on a temporary or permanent basis;
- an anticipation of time off for medical appointments, treatments and surgical procedures and the handling of such absence;
- amendments to records and systems to take account of the change of personal details;
- when and how colleagues should be informed – the employee should decide who performs this task – and whether any training in gender identity issues is needed;
- how to handle any harassment, hostile reaction or media interest.
- clarifying how HR and any additional support will be provided to the employee.

5.2 The use of the action plan is optional, and the level of detail entered is purely a matter for the individual. The individual and manager may use it as a reminder of the possible steps which gender reassignment may take, and may fill it in together as the individual's plans for gender reassignment emerge. Under no circumstances should this information be passed to anyone else without the express permission of the individual undergoing gender reassignment.

6.0 Informing Management & Colleagues

6.1 Transition can be difficult for an existing employee, who starts coming to work with a different gender status and presentation. It is essential that colleagues of the transgender person are prepared for the change (knowing how to address that person and being able to handle callers and visitors who may have known the person in their previous gender role). This must be done sensitively and in conjunction with the employee with consideration for their privacy.

6.2 Managers should have consideration for the difficult challenges employees might face whilst transitioning, and recognition that employees may be dealing with issues both within and outside of the workplace.

6.3 Managers should be aware that people within their team may deal with a colleague transitioning differently. Careful consideration should be given to when and how colleagues will be informed and by whom. This should be agreed with the transitioning employee to ensure that they are comfortable with what is shared. Colleagues may have questions that they do not feel is appropriate to ask their colleague directly and managers should consider whether their employees require further education and training in gender identity issues.

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- 6.4 It may be appropriate, with the transitioning employee's agreement, to arrange for briefing sessions to provide employees with useful information and answer any questions they might have.
- 6.5 Managers will need to be aware of any issues that may arise and deal with them immediately. All colleagues should observe the Transsexual, Transgender and Gender Reassignment Policy, Employee Code of Conduct and Discrimination, Bullying and Harassment Policy. Any breaches may invoke the disciplinary procedure.
- 6.6 Sensitive and positive handling of an employee's transition at work should result in an improved working environment for the individual.

7.0 Timing

- 7.1 The timing of the individual's initial approach to management is a matter for the individual to decide. The individual may be guided by the progress of medical treatment and may provide a letter from their gender identity clinic or other medical advisor to support their intention. However, there may be no medical process involved. Therefore, not only the timing, but the manner of approach and the kind of supporting evidence, if any, is up to the individual.
- 7.2 Conversely an employee may request a letter confirming they have discussed their intention with their employer, or to confirm their attendance at work in the acquired gender, as evidence requested by the clinic. The Council will provide this as appropriate.
- 7.3 The initial point of contact could be an immediate line manager, a senior manager, Human Resources, a union representative, or Occupational Health. All must maintain confidentiality except as otherwise expressly agreed by the individual. It is vital to be able to provide assurance that the Council will be supportive, and that discrimination against, or harassment of, transsexual employees is not tolerated.

8.0 Communication

- 8.1 Agreement between the manager and the individual is important before communication of impending gender transition. The approach taken will depend on the individual and be appropriate to the size and structure of the workplace.
- 8.2 As part of the agreed action plan, the transitioning employee must decide who should be informed, when and by whom.

9.0 Time of transition

- 9.1 At the point of transition, some transsexual people prefer to take a brief break to prepare to return to work in the acquired gender. During this period the opportunity should be taken, if possible, to ensure workplace records and IT systems are appropriately amended. If no break is taken, a new ID card should be prepared in advance of the transition if possible, and all records amended at transition or as soon as possible thereafter.

10.0 Single Sex Facilities

- 10.1 There is a requirement to live as a member of the opposite sex before going through any surgical procedure, which includes using single sex facilities. The issue of when this will begin is something that needs to be decided by the individual and supported by the manager but usually from the date of transition.
- 10.2 This will involve open discussion, education and understanding. Trans people (like everyone else in Britain) can use toilets or changing facilities appropriate to their gender presentation with or without a Gender Recognition Certificate.
- 10.3 It would be unacceptable and inappropriate to expect a person in their acquired gender to use toilet facilities of their birth sex or indeed be restricted to the use of the disabled toilet.
- 10.4 Difficulties can arise if objections are raised by colleagues, which will need to be dealt with sensitively.
- 10.5 Any continued objection or inappropriate comments by work colleagues to the use of the facilities appropriate to the gender of transition should be seen as unreasonable and discriminatory. In the first instance, managers should address these issues with education and training. If ongoing issues continue this could be viewed as harassment and action may be taken in line with the Council's Bullying & Harassment Policy.

11.0 And afterwards

- 11.1 Maintaining regular contact with the employee and monitoring their transition within the workplace is good managerial practice.
- 11.2 Regular contact and monitoring provides management with an opportunity to address any issues or concerns as they arise, including any issues overlooked in the pre-transition preparation.

12.0 Living in the affirmed gender

- 12.1 Once a person has transitioned they may not regard themselves as transgender, identifying only in their affirmed gender as a man or a woman (although some people do not feel comfortable in either group and may live androgynously or in a non-gendered role).
- 12.2 Many people choose to live in their affirmed gender without surgery. For those who want to be considered for gender reassignment surgery or want to be recognised under the Gender Recognition Act 2004, they will need to live continuously in the new gender role for 12 months or more. If they wish to obtain a gender recognition certificate (GRC) under the Gender Recognition Act, they have to demonstrate they have lived in the affirmed gender for at least two years.

13.0 Record changing / Retention / Access & Monitoring

- 13.1 In circumstances where an employee has changed gender after entering employment, there are many potential instances where a previous name or gender may unnecessarily be revealed. Failure to update and maintain records to reflect the individual's transition is a frequent cause of distress to transsexual employees and may amount to unlawful discrimination.
- 13.2 Records will only be changed when the appropriate certificates, for example to confirm a change of name, have been provided.
- 13.3 After transition, any new records should refer only to the new name and acquired gender, while records pre-dating transition must be up-dated. Wherever possible, details of previous name and gender should be deleted; it would be discriminatory not to do so unless their retention is justified and proportionate. For example, a pension provider may need to do so as pension records may need to retain a note of birth sex, but this should not prevent correspondence showing the acquired gender.
- 13.4 Where retention can be properly justified, access to these records must be restricted to employees who require such information for the performance of their specific official duties.
- 13.5 Breaches of confidentiality can have a serious impact on a transsexual employee, may lead to action under the Data Protection Act, and will be reviewed seriously as a potential disciplinary matter.
- 13.6 The list of records to be changed will include HR personnel records, pay and pension records, all IT systems to which the individual has access and IT address lists with reference to the person, all relevant employee directories including telephone listings, name badges, and ID passes with a new photograph. Changes to email accounts and IT systems must take place at the same time to avoid revelation of the previous identity. It is suggested that Human Resources co-ordinate this process.

14.0 Access to records

- 14.1 Access to records showing the change of name and any other details associated with the individual's transsexual status, (such as records of absence for medical treatment) will be restricted to employees who need the information to do their work. They could include people directly involved in the administration of a process, for example, people involved in the pension schemes or management of absence. They do not include colleagues or clients.
- 14.2 Breaches of confidentiality will be treated in the same serious manner as disclosure of personal details of any other employee.
- 14.3 Transsexual people may choose voluntarily to disclose information at a secondary level, for example, answering an equal opportunities monitoring questionnaire, or asking support from their line manager. Again, strict confidentiality should be observed, as further disclosure must not be made without the express permission of the transsexual person.

15.0 Dealing with / Attitudes of the public

- 15.1 An employee must never be removed from a public facing role merely because they are a transsexual person. The employee may appreciate some discreet support, at least at first, conversely others may lack initial confidence for such a role and any request for a temporary or permanent change of duties should be accommodated if possible. Any decision to remove a transsexual employee from a public facing role must have the full agreement of the individual concerned, even if only as a temporary measure.
- 15.2 Managers should be aware of the possibility of harassment in occupations where this is a risk. If a member of the public objects to being dealt with by a transsexual employee, this is an unacceptable objection. The incident should be managed in the same way as any other pressure to discriminate. It would usually be unlawful for a manager to comply with the wishes of that member of the public.

16.0 Previous names / Job applications / Interviews and References

- 16.1 When a transsexual person applies for a job, the potential employer may ask for disclosure of former names and previous employers at the application stage. To do so will disclose the individual's transsexual status, compromise their right to privacy and potentially prejudice their recruitment chances.
- 16.2 Therefore checks requiring former names, such as security and credit checks or obtaining references, should be done at the end of the recruitment process.

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- 16.3 If the individual has already informed previous employers of the need to amend their records to show their new name and acquired gender only, then details of former employers can be openly given
- 16.4 Section 22 of the Gender Recognition Act 2004 provides that it is an offence for a person who has acquired protected information in an official capacity to disclose that information to any other person. However, this Act also sets out a series of exceptions, where disclosure is considered to be justified, for example for the purpose of obtaining legal advice, for religious or medical purposes, disclosure by or on behalf of a credit reference agency and disclosure for purposes in relation to insolvency or bankruptcy. Further guidance regarding disclosures can be accessed via the following link:
<http://www.gires.org.uk/assets/Legal-Assets/SI2005-635.pdf>

17.0 Recruitment / Interviews

- 17.1 Any application for work may be made in the assumed gender of the applicant. There is no requirement for them to disclose details of this to a recruitment panel or manager.
- 17.2 The recruitment and selection process should not be affected by an individual's gender or gender history. A job applicant's gender identity status is irrelevant to the recruitment process, unless in exceptional circumstances where a genuine occupational requirement applies to the job. Where there is an occupational requirement, the Council will need to make this clear in the recruitment material.
- 17.3 The Council will not ask questions about gender identity status and job applicants are not required to volunteer information about it, unless an occupational requirement makes this relevant. However, a job applicant with a gender recognition certificate is never required to disclose their gender history.
- 17.4 If disclosure is voluntarily made, the information should be held in strictest confidence and not be made available to other employees. Disclosure by the job applicant is not in itself a reason for not offering employment and non-disclosure or subsequent disclosure is not grounds for dismissal.
- 17.5 If the Council believes that they have just cause requiring specific disclosure of information protected by section 22 of the Gender Recognition Act (2004), perhaps for security vetting purposes, then it must be made explicitly clear on recruitment documentation.

18.0 DBS / Security Checks

- 18.1 If disclosure from the Disclosure and Barring Service (DBS) is required as part of the recruitment process, applicants must disclose any previous names and/or gender to the DBS. Transgender applicants may make use of

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the special application procedure established by the DBS so that their previous name is not disclosed to the organisation.

- 18.2 If an applicant fails a DBS check and it is advised that previous names would not be disclosed by DBS, this information must be treated in strict confidence.
- 18.3 In the case of identity checks and right to work checks, if the applicant produces ID in their previous identity, for example with a name change deed, this information must be treated in strict confidence.

19.0 References

- 19.1 References from previous employers may reveal a previous gender and name and should therefore be kept confidential.
- 19.2 References provided for someone moving to new employment must be in the name to be used in the new job with no reference to the former name or gender.

20.0 Media Interest

- 20.1 Instances of gender reassignment can attract attention from national and local press. When coupled with employment in the public sector, that interest can be intensified. Any response must have the consent of the person concerned and centre on a commitment to an Equal Opportunities Policy and support for the individual.
- 20.2 In the interest of confidentiality, the employee should not be named. If the press are already aware of the transsexual person's identity, then it is essential that any response is in accordance with the individual's wishes.
- 20.3 Employees should be advised to maintain strict confidentiality and not breach an individual's privacy or provide information to the media.
- 20.4 Where an employee is harassed by the media, protection should be offered, and consideration given, to a complaint to the Press Complaints Commission.

21.0 Other useful information

22.0 Birth Certificates

- 22.1 Transsexual people are able to obtain a new birth certificate for their new gender status (for those whose birth was registered in the UK).

23.0 National Insurance

- 23.1 Employees who change their name will need to inform their local benefits Office. As part of the Gender recognition process instructions are issued to the DWP and the Inland Revenue to make appropriate changes to state pension and NI contribution rates.

24.0 Pensions

- 24.1 A transsexual person who obtains a new birth certificate will be treated according to their affirmed gender for pension purposes. Employees are obliged under the Gender Recognition Act 2004 to notify HMRC when they receive their GRC. For those with birthdates between 29 January 1947 and 05 December 1953 their legal sex determines whether they pay employee's NIC or not and if and when such deductions should stop. Therefore HMRC need to know their legal gender status and the date on which they received gender recognition, if obtained, because that date determines the change in the State Pension Age of the individual.
- 24.2 Transsexual people who do not obtain a new birth certificate retain their full pension rights in accordance with the sex that is recorded on their original birth certificate in terms of pension provision. It is good practice for employees to be treated as having their birth gender up to the point of transition (i.e. when they start to live fully in the acquired gender) and their affirmed gender from the point of transition. This would apply for example in calculating funds transfers between pension plans.

25.0 Professional Registration / Certificates

- 25.1 When an employee is subjected to professional registration they should be advised to contact their professional body to establish if there are any specific requirements in terms of name changes etc. Where the Council has to keep evidence of professional status or qualifications, this should be discussed with the employee as to how to retain such evidence on file so as not to compromise or breach disclosure of protected information.
- 25.2 Certificates may have been issued in a previous identity and should therefore be treated as confidential.

26.0 Dress Code

- 26.1 Any dress code forms part of the contract of employment. Some flexibility must be allowed to accommodate the change of gender role, but the transsexual person is otherwise required to adhere to such a code, dressing appropriately for the acquired gender from the date of transition.
- 26.2 Where clothing or uniform is provided by the employee, new clothing should be provided consistent with the change in gender on the same basis as replacement clothing / uniform is provided to accommodate a change in size.

27.0 Performance Issues

- 27.1 A change in performance objectives should be considered in the first period of reassignment, while the individual gains confidence to perform satisfactorily in the acquired gender.
- 27.2 Side effects of medication may adversely affect work performance but the close medical attention received by an individual transitioning should ensure that these are of a minimal and temporary nature. The application of disciplinary action or dismissal from employment in accordance with the Council's Capability Policy is not appropriate in these circumstances.
- 27.3 The individual may also suffer from longer term depression if their reassignment does not go smoothly for reasons that may or may not relate to work. All sickness absences should be managed in accordance with the Management of Attendance Policy.
- 27.4 Redeployment might be considered in cases where it appears that the individual is no longer capable of performing key aspects of their duties. Managers should not seek to impose a change of duties on the individual, but must seek assistance from Human Resources and Occupational Health.
- 27.5 Redeployment must be explored in the exceptional case where a genuine occupational requirement applies to the post.

28.0 Types of Gender Reassignment absence

- Medical assessment / monitoring
 - Speech / voice therapy
 - Electrolysis / hair removal treatment
 - Hair transplantation
 - Hormone treatment
 - Surgery
- 28.1 It is important that absences are managed confidentially, sensitively and appropriately in line with the Council's Management of Attendance Policy. Under the Equality Act 2010, employees who are absent due to gender reassignment must not be treated less favourably than if their absence was due to sickness or injury.
- 28.2 Complications may arise as a result of medical treatment for gender reassignment resulting in prolonged incapacity from work. As with any other long-term illness, the individual will be supported and monitored by the manager with advice from Occupational health and Human Resources. If incapacity continues the absence will be monitored and dealt with in line with the Council's Management of Attendance Policy.
- 28.3 The employee may require time off for medical or other treatment. Time off for these purposes will be treated no less favourably than time off for illness or other medical appointments, in line with Council's Management of Attendance Policy and Leave Policy.

29.0 Adjustments on return to work

- 29.1 This will depend on the nature of the individual's duties; for example, duties involving lifting are unlikely to be immediately suitable after genital or breast surgery. Managers should refer to the Management of Attendance Managers Guidance for advice regarding managing an employee's return to work.

30.0 Current Legislation

Equality Act 2010
Gender Recognition Act 2004
Data Protection Act 1998
Human Rights Act 1998

Cross-dresser

Most people who are cross dressers do not experience any discomfort with their gender identity and do not wish to transition their gender role. Nor do they usually seek modification of their bodies. The term ‘transvestite’ is associated with cross dressing, though some cross dressers would not identify as such and the term is not commonly used.

Under the Equality Act 2010, legal protection is given to someone who is cross-dressing as part of the process of reassigning their gender (transitioning) or to someone who is perceived to be transgender due to being cross-dressed.

Gender

Gender consists of two related aspects; the person’s internal perception of who they are is the ‘gender identity’; the way the person behaves and lives in society and interacts with others is the gender role or expression. Most people in the general population are cisgender, in other words their perception of themselves is congruent with their sex appearance and their gender role.

Gender reassignment

Under the Equality Act 2010, a person has the protected characteristic of gender reassignment if they are proposing to undergo, are undergoing or have undergone a process (or part of a process) for the purpose of reassigning their sex by changing physiological or other attributes of sex. This is a personal process that may involve medical interventions such as counselling, psychotherapy, hormone therapy or surgery, but does not have to. In this guidance, gender reassignment is used to describe the process of change and gender transition to describe the time when the gender role is changed.

Gender Dysphoria (GD) / Gender Variance / Gender nonconforming

Dressing or behaving in a way that is perceived by others as being outside cultural gender norms may be described as gender variance or gender nonconformity. Gender dysphoria describes the persistent personal discomfort that occurs when the physical sex does not match the gender identity. The social role is also expected to conform to the sex appearance, so this too feels uncomfortable for the individual concerned. (The term ‘gender identity disorder’ is considered pathologising and is gradually disappearing from the vocabulary). It should be noted that these refer to all cases whether or not surgery is actively sought.

Gender Recognition Certificate (GRC)

The Gender Recognition Act 2004 provided for the legal recognition of the trans person in their ‘acquired’, i.e. affirmed, gender and the opportunity to acquire a new ‘birth’ certificate for their new gender. This is called a Gender Recognition Certificate and replaces the original birth certificate in all official documentation. Those in existing marriages or civil partnerships are currently obliged to obtain their spouse’s consent to the marriage or civil partnership continuing after the issue of a full GRC. If the spouse does not provide consent, an interim GRC may be issued for 6 months, during which time, if consent is still not granted, an application for annulment must be made.

Gender Reassignment Surgery (GRS)

An individual must live continuously in the gender role that is congruent with the gender identity for 12 months before undergoing genital surgery. Separate opinions from two clinicians are required for referral for genital reassignment surgery. Some other procedures, such as chest surgery, may be undertaken before this stage, according to the needs of the individual undergoing reassignment.

Surgery is not obligatory to reassign gender and, for some, the risks will be outweighed by the potential benefits.

Affirmed Gender

This refers to the post-transition gender role of a person who has undergone gender reassignment. Those who have transitioned to the affirmed gender role, and who have a GRC, have 'acquired' a new gender status. It is possible for an individual to transition fully to the affirmed gender without surgical intervention.

Hormone treatment

Typically, hormone medication has a very positive effect on a transgender person's wellbeing. Currently, within several NHS Gender Identity Clinics, hormone treatment is not prescribed until the psychiatrists are confident about the person's condition of gender dysphoria. The time taken to complete this assessment process can range between three months and five years after the second consultation. However, it is no longer contingent upon a change of gender role. Some hormone treatment medication can have serious consequences for the person's health and must be regularly monitored by a GP. Once hormone treatment starts, any physical changes may take a while. However, these changes may be painful and uncomfortable. Any changes in this treatment may also have an impact. Depression and other emotional difficulties may manifest during this initial treatment phase. Problems may also occur should medication be withheld at any time or for any reason. Regular blood tests are undertaken and appointments with an endocrinologist may be required.

Physical sex

This is simply the sex with which the body organs, particularly genitalia, were associated with and registered at birth. In most of the population the sex appearance is clearly male or female. However 'intersex' conditions occur in about 1% of the population, some of which give rise to ambiguous genitalia and therefore may be wrongly described on the birth certificate. This may cause a mismatch between the individual's gender identity and gender role, therefore later adjustment, in the same way as for trans people, may be necessary. (The term Disorders of Sex Development has recently been introduced but is unpopular with the population affected).

Sexuality

One of the most common misconceptions about gender dysphoric people is that this is the same as being gay, lesbian or bisexual. Sexual orientation is separate and unrelated to gender dysphoria. The sexual orientation of gender dysphoric people may be heterosexual, gay, lesbian, bisexual or asexual.

Transsexual

An adjective that describes people whose sex, as registered at birth, is not congruent with their gender identity. Usually people respond to their discomfort by undergoing a personal process of gender reassignment to bring their outside characteristics and their gender expression, in line with their gender identity. The word transsexual is not often used by people who may be so described, because they prefer the terms ‘trans’ or ‘transgender’. Those that have completed the process may regard themselves as man or woman, having resolved the conflict between their gender identity and gender expression.

This term is also used by the Equality Act 2010 to define people who fall within the definition of those people with the protected characteristic of gender reassignment.

Transgender (often abbreviated to ‘trans’)

This is often used as an ‘umbrella term’ to include all people who experience gender dysphoria and express this in some way. Transgender includes transsexual people but it is much wider to embrace a wide variety of gender expression, including those who have no intention of permanently changing gender role and may use a variety of self-descriptions, such as poly-gender, pan gender, gender queer. A few do not identify as either men or women and are non-gender.

Trans Man

A trans man is a person who was registered female at birth, but who identifies as a man.

Trans Woman

A trans woman is a person who was registered male at birth, but who identifies as a woman.

Source: Based on guidance from EHRC and the Home Office/a:gender the workplace and gender guide

Cabinet (Resources) Panel

7 February 2017

Report title	Smoke Free Policy	
Decision designation	AMBER	
Cabinet member with lead responsibility	Cllr Paul Sweet Health and Wellbeing	
Key decision	No	
In forward plan	No	
Wards affected	N/A	
Accountable director	Kevin O'Keefe, Director of Governance	
Originating service	Human Resources	
Accountable employee(s)	Denise Pearce Tel Email	Head of Human Resources 01902 554515 denise.pearce@wolverhampton.gov.uk
Report to be/has been considered by	Strategic Executive Board Joint Consultative Panel Senior Executive Team	25 October 2016 16 December 2016 14 November 2016

Recommendation(s) for action or decision:

The Cabinet (Resources) Panel is recommended to:

- Approve the revised Smoke Free Policy.

1.0 Purpose

- 1.1 The City of Wolverhampton Council promotes a smoke free workplace and takes the view that smoking constitutes a fire risk and a hazard to the health of all its employees, both smokers and non-smokers.

2.0 Background

- 2.1 Smoking is not permitted at work or in any of the council owned and controlled buildings. In support of the Workplace Wellbeing Charter and Public Health objectives the Smoke Free Policy has been revised to extend the smoke free area beyond the council owned building to include all areas within the boundary of council ownership and control.
- 2.2 Employees are required to observe the smoking ban and familiarise themselves with the boundary perimeter of their work premises.
- 2.3 The use of e-cigarettes or similar is treated in the same way and falls within scope of the policy.
- 2.4 The aim of the policy is to;
- Improve the health of employees, visitors and service users by providing a smoke free environment;
 - Inform employees and managers of their responsibilities
 - Promote a culture of no smoking
 - Provide a model of good practice for other organisations

Views have been sought from Public Health Officers during the revision of this policy.

- 2.5 This policy is applies to employees, councillors, visitors, contractors and services users attending council premises.

3.0 Financial implications

- 3.1 There are no financial implications associated with the recommendation in this report.
[GE/24012017/N]

4.0 Legal implications

- 4.1 City of Wolverhampton Council has a legal duty to provide and maintain a safe working environment as required by the Health and Safety at Work Act.
- 4.2 The Health Act 2006 implemented a ban on smoking in working places, which includes vehicles used for work.
[TS/24012017/C]

5.0 Equalities implications

- 5.1 There are no equalities implications associated with the recommendation in this report.

6.0 Environmental implications

6.1 There are only positive environmental implications as result of the implementation of this policy.

7.0 Human Resources implications

7.1 Consultation has been undertaken in accordance with HR procedures. The policy supports best practice in employment / Human Resources procedures.

7.2 Human Resources to ensure that awareness of the policy is included in Induction and employee training.

7.3 Human Resources to ensure the communication and regular review and update of the policy.

9.0 Corporate landlord implications

9.1 To ensure that council owned buildings have appropriate signage.

10.0 Schedule of background papers

10.1 Smoke Free Policy

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CITY OF WOLVERHAMPTON COUNCIL

Human Resources Policy Framework

Smoke Free Policy

Approved by:	
Published:	
Review date:	

CONSULTATION			
The following officers and/or bodies have been consulted on this policy:			
Officers and/or Bodies	From		To
CCC Scrutiny Panel			
CDB/SEB			
MRG			
HR			
The following Trade Unions have been consulted on this policy:			
	From		To
REVIEW LOG			
Date	Version	Comments/Review	Approved by

EQUALITY ANALYSIS

ADVICE
Contact HR on 01902 552345 or email HR.supportdesk@wolverhampton.gov.uk for HR advice.

COMMENTS AND AMENDMENTS

Contact HR on 01902 552345 or email HR.supportdesk@wolverhampton.gov.uk to make any comments or suggest any feedback on this policy.

DISTRIBUTION

This policy is placed on the HR intranet for managers and employees to view. Copies will be provided to recognised Trade Unions and managers electronically.

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1. Policy Statement

- 1.1 The City of Wolverhampton Council acknowledges that passive smoking has been medically proven to cause lung cancer and heart disease in non-smokers, as well as many other illnesses and minor conditions.
- 1.2 The City of Wolverhampton Council has a duty in common law to take reasonable care to protect the health of its employees. Consequences of not adopting a policy concerning smoking may result in formal action as a result of damage to the general health and wellbeing of non-smokers.

2. Legislation

- 2.1 Section 2(2)(e) of the Health and Safety at Work Etc. Act 1974 places a duty on employers to:

“provide and maintain a safe working environment which is, so far as is reasonably practicable, safe, without risk to health and adequate as regards to facilities and arrangements for welfare at work”

- 2.2 The implementation of the Health Act 2006 on 1 July 2007 implemented a comprehensive ban on smoking in work places and enclosed or substantially enclosed premises open to the public. The ban includes vehicles used for work.
- 2.3 The Smoke-free (Signs) Regulations 2012 revoked and replaced the previous Smoke-free (Signs) Regulations 2006 with the main difference being that at least one legible no-smoking sign must still be displayed in smoke-free premises and vehicles, but owners and managers are now free to decide the size, design and location of the signs.
- 2.4 The Smoke-free (Private Vehicles) Regulations 2015 implemented a ban on smoking in vehicles carrying children and determined failure to comply would be a criminal offence.
- 2.5 The organisation acknowledges that some employees may wish to make use of electronic cigarettes ("e-cigarettes") in the workplace, particularly as an aid to giving up smoking. E-cigarettes are battery-powered products that release a visible vapour containing liquid nicotine which is inhaled by the user. Although they fall outside the scope of smoke-free legislation, the organisation prohibits the use of e-cigarettes in the workplace. The organisation's rationale for a ban on e-cigarettes is that:
 - Although they do not produce smoke, e-cigarettes produce a vapour that could provide an annoyance or health risk to other employees;

- Some e-cigarette models can, particularly from a distance, look like real cigarettes making a smoking ban difficult to police, and creating an impression for visitors, contractors, service users and employees that it is acceptable to smoke.

3. Scope

- 3.1 This policy applies to all Council employees employed under the provisions of the various negotiating bodies. It also applies to councilors, visitors, contractors and service users attending Council premises and teachers in Council owned buildings

4. Principles

- 4.1 This Policy aims to:

- *Improve the health of employees, visitors and service users by providing a smoke free environment;*
- Inform employees and managers of their statutory responsibilities
- Support smokers to help them cope with increased restrictions or to stop smoking;
- Promote the culture of a No Smoking workplace amongst employees, contractors, service users and visitors;
- Provide a model of good practice for other organisations.

5. Smoke Free Workplace

- 5.1 The organisation takes the view that smoking constitutes a fire risk and a hazard to the health of all its employees, both smokers and non-smokers (as a result of passive smoking).

- 5.2 Smoking is not permitted at work on any part of the workplace premises as follows:-

- Any City Council owned and controlled building including enclosed, partially enclosed and non-enclosed areas within the boundary of the relevant premises
- Council/hired vehicles – including single occupied vehicles, or private vehicles used for work purposes (where passengers are being carried).

- 5.3 The restriction applies at all times and applies to those on the premises, including outside normal working hours.

- 5.4 The use of e-cigarettes or similar is treated in the same way as real cigarettes and falls within the scope of this policy.
- 5.5 All visitors, temporary employees, agency workers, contractors and clients will be expected to abide by the terms of the smoking policy.
- 5.6 Appropriate signs will be displayed at all entrances to the premises and employees should tactfully remind visitors of the policy, if necessary.

6.0 Exemptions

- 6.1 Bedrooms and designated smoking rooms in Care Homes have been granted an exemption from the Health Act. Service users are permitted to smoke in specified areas so long as non-smoking employees and service users are not exposed to second-hand smoke as a result. In such premises, a designated smoking room may be allowed for residents only, provided that it complies with a minimum set of criteria to protect non-smoking employees and service users from exposure to tobacco smoke.
- 6.2 There are no requirements within the regulations for an individual not to smoke in their own home if a trade's person, cleaner or carer is present. In these cases, the householder and service providing service group should come to an agreement about smoking, including when and where smoking can take place, and how the service will be provided.

7.0 Smoking in Care Homes

- 7.1 Only residents within a care home (as previously defined) are permitted to smoke in the designated smoking room or their own bedroom (if agreed by the Service for safety reasons).
- 7.2 Where a smoking room is made available, internal doors must remain closed and windows open to allow rapid ventilation. The home manager will be responsible for ensuring that there is no smoking in the smoking room for at least an hour before a council employee, such as a cleaner, is required to enter the room to undertake his/her duties.
- 7.3 Where a council employee is required to support a resident of the care home whilst in the smoking facility, the service provider should reach an agreement with the service user over the arrangements to be put in place, in these circumstances at the outset of service delivery.

8.0 Enforcement of the policy

- 8.1 No Smoking' signs will be clearly displayed in accordance with the Smoke-free (Signs) Regulations 2012 or any subsequent relevant legislation.
- 8.2 All council employees are equally responsible for health and safety at work and play a part in the enforcement of this policy.

- 8.3 Managers will be responsible raising awareness of the Smoke Free Policy and for ensuring that employees do not smoke during contracted working hours, and inside a smoke free zone.
- 8.4 A breach of this policy **by an employee** will be deemed to be in contravention of the Council's commitment to reduce smoking prevalence in Wolverhampton and a breach of health and safety.
- 8.5 An employee found to be smoking in an area designated smoke-free and/or taking a smoking break during their contracted hours may be subject to disciplinary action.

9.0 Communication of the policy

- 9.1 Employees will be advised of the policy through City People, line managers, electronic media and at induction. Visitors and service users will be advised of the policy by appropriate signs and in other documentation supplied by the City of Wolverhampton Council.
- 9.2 This policy will also be communicated to others not directly in the employment of the Council. The requirements of the policy will be communicated in contractual documentation for contractors and suppliers.

10.0 Training, Information and supporting employees.

- 10.1 All new employees should be encouraged to read the policy on smoking as part of their induction process and should be referred to the employee responsibilities. A policy will be available on the HR Intranet.
- 10.2 Employees can seek smoking cessation support through Human Resources Occupational Health. There are a variety of Smoking Cessation Apps available for download to smartphones which provide detailed support packages. Equally the following websites provide useful information and support:- www.nhs.uk/smokefree <https://quitnow.smokefree.nhs.uk>
Many GP surgeries offer smoking cessation clinics and support.

11. Roles and Responsibilities

11.1 Managers are required to:

- Comply with the law;
- Ensure employees are informed that smoking is not permitted whilst at work, and there is no provision for smoking breaks;
- Include passive smoking in risk assessments where appropriate e.g. service user's homes;
- Ensure that all future applicants for jobs are aware of the Council's policy through advertisements and at interview;

- New employees are only appointed in the full knowledge of this policy and on the understanding that it is part of their terms and conditions of employment.
- Ensure that all visitors, temporary employees, agency workers, contractors etc., in their control are informed and comply with this policy.

11.2 Employee Responsibilities

- Employees must observe the smoking ban applies to all council owned and controlled buildings and is extended to include all areas within the boundary of council ownership and control. Appendix 1 includes boundary maps for council offices.
- Employees should satisfy themselves they are aware of the boundary at other premises under the Council's ownership and control.
- Employees must observe the smoking ban applies to all council owned and controlled vehicles and any vehicles used for the carriage of passengers as part of the business of the council.
- 'Vaping' and the use of e-cigarettes or similar is not permitted whilst at work.
- Employees who choose to smoke must do so outside of core/contracted work hours.
- Be mindful that service users and our customers are entitled to enter a public building without having to pass through a curtain of smoke on the premises.

11.3 Human Resources are required to

- provide operational support and advice to the organisation to enable the effective management of this policy.
- Ensure the communication, maintenance, regular review and updating of this policy
- Monitor and review delivery and impact of this policy

11.4 The Head of Human Resources is required to

In consultation with the recognised Trade Unions, the Head of Human Resources will exercise delegated authority for and be responsible for the on-going review and updating of this Policy to ensure compliance with changes in statutory requirements and operational delivery, including responsibility for identifying the appropriate process for the regular evaluation of the effectiveness of this policy. Any fundamental changes to this policy will be brought before the Resources Panel for approval.

Cabinet (Resources) Panel

7 February 2017

Report title	Department of Health Housing and Technology Capital Fund 2016-2017	
Decision designation	AMBER	
Cabinet member with lead responsibility	Councillor Sandra Samuels Adults	
Key decision	Yes	
In forward plan	Yes	
Wards affected	All	
Accountable director	Linda Sanders, People	
Originating service	Commissioning	
Accountable employee(s)	Paul Smith Tel Email	Interim Head of Commissioning 01902 555318 Paul.smith@wolverhampton.gov.uk
Report has been considered by	People Leadership Team	7 January 2017

Recommendation(s) for decision:

The Cabinet (Resources) Panel is recommended to:

Authorise utilisation of the awarded funding of £207,000 from Department of Health (DOH) (£110,000 within 2016/17 and £97,000 within 2017/18) in line with City of Wolverhampton Council accepted bid submission to DOH.

1.0 Purpose

- 1.1 The report outlines the accepted bid submitted by City of Wolverhampton Council to the Department of Health (DOH) Housing and Technology capital fund to support people with Learning Disabilities and seeks to obtain authorisation to utilise the funds provided by DOH within the remainder of 2016/17 and throughout 2017/18.

2.0 Background

- 2.1 DOH announced a £25 million fund in September 2016 to support people with Learning Disabilities within a Housing and Technology environment.
- 2.2 A successful bid was submitted by the Council for £207,000 (split across 2016/17 and 2017/18) to enable the Council to accelerate some of the identified opportunities for increased independence and improved utilisation of technology, both within the individual support needs of service users and within the fabric of their accommodation.

3.0 Progress, options, discussion, etc.

- 3.1 There is a significant opportunity to increase the use of technology to support people with Learning Disabilities, both in terms of increasing their independence in their accommodation environment and within the community; historically there has been low usage of Telecare within Learning Disabilities services, but some good examples in specific projects, e.g. Church Street / Lorien Close.
- 3.2 Telecare is now a key strand of the Adult Disability Transformation project and learning from around the UK shows how technology can support outcomes for people with Learning Disabilities and support the delivery of cashable efficiencies.

4.0 Financial implications

- 4.1 City of Wolverhampton Council has been awarded total funding of £207,000 of which £110,000 is to be spent fully within the remainder of 2016/17 and £97,000 to be utilised fully before 31 March 2018.
- 4.2 Telecare assessment, installation and maintenance and recurrent annual costs associated with this project will be provided within the existing Telecare service budget which is £600,000 for 2016/17.
[AJ/27012017/R]

5.0 Legal implications

- 5.1 There are no legal implications associated with this report.
[RB/27012017/A]

6.0 Equalities implications

6.1 The successful bid is aligned to the equalities requirements within the DOH guidance for applications, and is aligned to the equalities analysis within the Adult Disabilities Transformation project.

7.0 Environmental implications

7.1 There are no environmental implications associated with this report.

8.0 Human resources implications

8.1 There are no human resources implications associated with this report.

9.0 Corporate landlord implications

9.1 There are no corporate landlord implications associated with this report.

10.0 Schedule of background papers

10.1 For additional information the guidance for the capital fund can be found at <https://www.gov.uk/government/publications/housing-and-technology-fund-for-people-with-learning-disabilities>

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Cabinet (Resources) Panel

7 February 2017

Report title	Schedule of Individual Executive Decision Notices	
Decision designation	AMBER	
Cabinet member with lead responsibility	All	
Key decision	No	
In forward plan	No	
Wards affected	All	
Accountable director	Kevin O'Keefe, Governance	
Originating service	Democratic Support	
Accountable employee(s)	Dereck Francis Tel Email	Democratic Services Officer 01902 555835 dereck.francis@wolverhampton.gov.uk
Report to be/has been considered by	N/A	

Recommendations for noting:

The Cabinet (Resources) Panel is asked to note the summary of open and exempt individual executive decisions approved by the appropriate Cabinet Members following consultation with the relevant employees.

Schedule of Individual Executive Decision Notices

Part 1 – Open Items

1. Corporate

None

2. People

None

3. Place

Decision maker	In consultation with	Date Approved	Contact Officer
Councillor Steve Evans	Service Director City Environment	10 January 2017	Nick Broomhall 01902 555723
Title and decision summary			
Transportation Network – Miscellaneous Traffic Regulation Orders – Court Road, Gibbons Road and Coleman Street			
1. Approved the recommended action to implement waiting restrictions to parts of Court Road, Gibbons Road and Coleman Street as shown on plan T4/3493 appended to the report.			
2. Approved the recommended action to implement waiting restrictions to parts of Beckminster Road and Coalway Road as shown on plan T4/3494A appended to the report.			
3. Approved the recommended action to implement waiting and loading restrictions to parts of Lonsdale Road, Selwyn Road and Willenhall Road as shown on plan T413502 appended to the report.			
4. Approved the recommended action to implement waiting and loading restrictions to parts of Walter Road and Wilkinson Avenue as shown on plan T4/3503 appended to the report.			
5. Approved the recommended action to implement waiting and loading restrictions to parts of Sedgley Road as shown on plan T4/3483A appended to the report.			
6. Approved the recommended action to implement waiting and loading restrictions to parts of Warstones Road and Billy Wright Close as shown on plan T4/3485A appended to this report.			
7. Approved the recommended action to overrule objections to waiting and loading restrictions to parts of Paget Road, Clark Road, Hatton Road in response to comments received during public consultation, and implement as shown on plan T4/3420B appended to this report.			
8. Authorised the Director of Governance to implement the relevant traffic regulation orders.			

Decision maker	In consultation with	Date Approved	Contact Officer
Councillor Steve Evans	Service Director City Environment	10 January 2017	Nick Broomhall 01902 555723
Title and decision summary			
Transportation Network – Miscellaneous Traffic Regulation Orders – Bhylliss Lane Waiting and Loading Restrictions			
<ol style="list-style-type: none"> 1. Approved the recommended action to implement waiting and loading restrictions to parts of Bhylliss Lane as shown on plan T4/3501 appended to the report. 2. Approved the recommended action to implement waiting restrictions to parts of Coronation Road and Lawrence Avenue as shown on plan T4/3484 appended to the report. 3. Approved the recommended action to overrule objections to waiting and loading restrictions to parts of Showell Road and Fifth Avenue in response to comments received during public consultation, and implement as shown on plan T4/3432 appended to the report. 4. Approved the recommended action to implement waiting restrictions to part of Bailey Street as shown on plan 14/3481 appended to the report. 5. Approved the recommended action to implement 20 mph Speed Limit to parts of Hilton Road Estate Area as shown on plan T³/₇79A appended to the report. 6. Authorised the Director of Governance to implement the relevant traffic regulation orders. 			

Part 2 – Exempt Items

1. Corporate

Decision maker	In consultation with	Date Approved	Contact Officer																				
Councillor Milkinder Jaspal	Director of Governance	10 January 2017	Julia Goudman 01902 555723																				
Title and decision summary																							
Register Office Fees and Charges																							
With effect from 1 April 2017																							
<ol style="list-style-type: none"> 1. Agreed to amend the venue charges for Civic Centre marriage and civil ceremonies as follows: <table border="1" data-bbox="167 1630 986 1928"> <thead> <tr> <th></th> <th>Day</th> <th>Current charge</th> <th>Proposed charge</th> </tr> </thead> <tbody> <tr> <td rowspan="5">Lady Wulfruna Suite</td> <td>Mon-Thurs</td> <td>£185</td> <td>£150</td> </tr> <tr> <td>Friday</td> <td>£205</td> <td>£170</td> </tr> <tr> <td>Sat (am)</td> <td>£245</td> <td>£200</td> </tr> <tr> <td>Sat (pm)</td> <td>£395</td> <td>£250</td> </tr> <tr> <td>Sun/BHs</td> <td>£395</td> <td>£300</td> </tr> </tbody> </table> 					Day	Current charge	Proposed charge	Lady Wulfruna Suite	Mon-Thurs	£185	£150	Friday	£205	£170	Sat (am)	£245	£200	Sat (pm)	£395	£250	Sun/BHs	£395	£300
	Day	Current charge	Proposed charge																				
Lady Wulfruna Suite	Mon-Thurs	£185	£150																				
	Friday	£205	£170																				
	Sat (am)	£245	£200																				
	Sat (pm)	£395	£250																				
	Sun/BHs	£395	£300																				

Bantock Suite	Day	Current charge	Proposed charge
	Mon-Thurs	£85	£80
	Friday	£105	£89
	Sat (am)	£120	£110

2. Agreed to amend the venue charges for baby naming, renewal of vows and change of name ceremonies as follows:

Lady Wulfruna Suite	Day	Existing fee		Proposed fee	
		excl. VAT	incl. VAT	excl. VAT	incl. VAT
	Mon-Thurs	£154.17	£185	£125	£150
Friday	£170	£204	£133.33	£160	
Sat (am)	£204.17	£245	£150	£180	
Sat (pm)	£329.17	£395	£166.67	£200	
Sun/BHs	£329.17	£395	£208.33	£250	

Bantock Suite	Day	Existing fee		Proposed fee	
		excl. VAT	incl. VAT	excl. VAT	incl. VAT
	Mon-Thurs	£70.83	£85	£41.67	£50
Friday	£83.33	£100	£58.33	£70	
Sat (am)	£83.33	£100	£66.67	£80	

Approved premises	Day	Existing fee		Proposed fee	
		excl. VAT	incl. VAT	excl. VAT	incl. VAT
	Mon-Thurs	£279.17	£345	£166.67	£200
Friday	£295.83	£365	£183.33	£220	
Saturday	£358.33	£430	£208.33	£250	
Sun/BHs	£404.17	£500	£229.17	£275	

3. Agreed to introduce a new ceremony rehearsal fee of £37.50 (£45 including VAT).
4. Agreed to introduce a new ceremony upgrade package price of £100 (VAT not applicable).
5. Noted the implementation of revised payment arrangements for permanent and casual employees undertaking civil and marriage ceremonies on Saturdays, Sundays and bank holidays.

6. **People**

None

7. **Place**

None

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